

## **Churchyard Regulations**

### **1. Introduction**

- 1.1 Saints Philip and James's churchyard is subject to the Diocese of Gloucester's Churchyard Regulations, designed to help clergy and their parishes adopt good practice in the management of churchyards.
- 1.2 From the legal point of view, the introduction of memorials into churchyards is authorized by the Diocesan Chancellor, who is the Ecclesiastical Judge in the Diocese, ultimately responsible for decisions affecting churchyards. It is the Chancellor who decides upon applications for memorials which fall outside the scope of the limited powers devolved to incumbents (a vicar, rector or priest-in-charge).
- 1.3 The Chancellor is advised by a Committee known as the Diocesan Advisory Committee (DAC) on the Care of Churches. The legal process in relation to Faculties is co-ordinated by the Diocesan Registrar who runs the Diocesan Registry.
- 1.4 The Chancellor has delegated certain powers to incumbents, who must apply these Regulations on behalf of the Parochial Church Council (PCC), which, as a body, is responsible for maintaining the churchyard, and may need to give approval to certain decisions.
- 1.5 When there is no incumbent, for example during vacancies, decisions about burials and memorials will be taken by the Rural Dean who will be another incumbent in the area.

### **2. The Introduction of Memorials into Churchyards**

- 2.1 No one has the right to erect a memorial, or place anything whatsoever on grave in a churchyard, without permission.
- 2.2 It is essential to obtain permission before any order is given to a Monumental Mason or Funeral Director. Permission is given either in the form of a signed approval by the incumbent or by way of a Faculty granted by the Chancellor
- 2.3 Certain types of memorial are not permitted, either because they are felt to be inappropriate in appearance, or out of keeping in a Christian burial place, or because they are difficult to maintain, or a combination of these reasons.
- 2.4 Requests for permission should be made in writing to the incumbent in the first instance using the application form available from a Funeral Director or Stone Mason.

- 2.5 A minimum of six months must elapse between the death of the person to be commemorated and the application for permission.
- 2.6 Sometimes there will be existing examples in a churchyard of a type of memorial which is no longer permitted. This is not of itself a reason for granting permission for further examples.
- 2.7 Contractors, including Funeral Directors and Stone Masons, should verify that permission has been granted before undertaking any work in a churchyard.
- 2.8 If work is done without permission, those responsible, including the contractor may be required to bear the expenses of rectification, and contractors may be debarred from further work within the Diocese.
- 2.9 Provided that an incumbent is happy with the proposed inscription, they are able to grant permission for:
- a. **Simple upright grave markers** - provided that they fall within the range and size and material described below.
  - b. **Sloping 'open-book' memorials** - provided that they fall within the range of size and material described below.
  - c. **Wooden crosses** - provided that they do not exceed the dimensions described below.
  - d. **Additional inscriptions on existing memorials.**
  - e. **Small stone tablet** - in respect of burial of cremated remains within a designated Garden of Remembrance, measuring 10" x 6" (250 mm x 150 mm) inset into the earth - provided that the material used falls within the range described below. A space is allowed for a second stone at a later date if required.
  - f. **Simple flush horizontal markers** - in respect of burial of cremated remains within an existing grave, measuring 10" x 12" (250 mm x 300 mm).

**Incumbent's permission:**

**Size, Shape, Lettering, Decoration & Material**

3.1 **Size of the Memorial**

Headstones may be up to the following dimensions above ground:

Height	4'0" (1200 mm)
Width	3'0" (900 mm)

Thickness 6" (150 mm)

- 3.2 Please note these measurements are not intended to define standard proportions of memorials, which may be of any dimensions within the given limits.
- 3.3 **Shape and Design**  
The incumbent may only approve grave markers as set out in (a) to (f) above.
- 3.4 The incumbent is not allowed to permit any other form of memorial, including horizontal ledger slabs, crosses other than wooden, kerbs, chippings, or sculpture.
- 3.5 In the case of headstones, the memorial may be of the monolith type, i.e. fixed directly into the ground, or it may have a separate base and plinth.
- 3.6 **Lettering**  
On any memorial permitted by the incumbent, the lettering may be incised or in relief, and may be infilled in a colour. Lead infilled lettering is permitted, but no other form of applied lettering.
- 3.7 Care should be taken in selecting the wording, and advice sought from the incumbent. An imaginative approach to the epitaph is encouraged but excessive sentimentality is to be avoided.
- 3.8 The mason's name or mark may be inscribed on the side or on the reverse in letters no larger than ½ inch (13 mm) in height. No other advertisement or trade marks may be inscribed on or fixed to a memorial.
- 3.9 **Decoration**  
The incumbent may permit appropriate Christian or other symbols, for example depictions of items connected with the profession or leisure interest of the person commemorated.
- 3.10 The incumbent is **NOT** allowed to permit photographs or ceramic portraits or any other form of depiction of the person commemorated.
- 3.11 **Materials**  
The incumbent may permit memorials made of any natural stone or hardwood with the following exceptions:  
a. White or black marble  
b. Any granite other than unpolished grey  
c. Any other use of a reflective polished surface
- 3.12 Whenever there is doubt over the identity or suitability of any material, the matter should be referred in the first instance

to the Secretary of the Advisory Committee.

#### **4 Applying for Permission**

4.1 Requests for permission should be made in writing to the incumbent in the first instance. The Stone Masons hold copies of the required form and will submit it to the incumbent on your behalf. The Stone Mason will await the signed paperwork from the incumbent before proceeding with any work. Please note that a minimum of six months must elapse between the death of the person to be commemorated and the application for permission.

4.2 If the incumbent is unable or unwilling to grant permission, then a Faculty will need to be applied for. The form of Faculty Petition should be obtained from the Diocesan Registry Clerk. When the form of Petition has been completed, it should be sent to the Secretary of the DAC. The DAC will discuss the proposal and formulate advice to the Chancellor. It then goes to the Diocesan Registry.

4.3 The form is called a Faculty Petition because it is an application to the Consistory Court. Faculty fees are payable, these are statutory fees and are non-refundable. As with proceedings in other Courts, a fee is payable on issue of the Faculty Petition. When the Petition is received at the Registry, a letter is written requesting the fee. The applicant has the option of withdrawing at that stage, in which case no fee is payable.

4.4 In the meantime the PCC, will also have been asked to give its opinion by way of a resolution discussed and voted on at one of its meetings. The applicant will need to ask the incumbent for a copy of the resolution, which should be sent in to the DAC.

4.5 Once the Petition, DAC Certificate and PCC resolution have been lodged at the Diocesan Registry and the fee paid, a Public Notice is displayed at the church. If the Petition is opposed, further fees may be incurred and there may be a hearing before the Chancellor. Also a fee may be charged if the application gives rise to more correspondence than usual. Advice on all of the above can be obtained from the Registry.

#### **5. Responsibility for Maintaining Memorials**

5.1 The PCC cannot be responsible for maintaining memorials in churchyards. Checks may however be carried out from time to time to ensure that memorials have not become hazardous. If it appears that a memorial is in a dangerous

condition, the PCC may decide that it should be laid on the ground in order to avoid accidents.

- 5.2 Those wishing to erect a memorial should bear in mind that the church insurances do not cover damage to churchyard memorials, and they may wish to consider arranging their own insurance cover. Anyone who erects a gravestone is legally responsible for any damage it might cause.

## **6. Maintenance of Burial & Interment Plots**

### **6.1 What is allowed**

- a. Permanent vases are only those authorized, and only fresh flowers (out of their wrappings), or cuttings from shrubs and bushes, may be placed in them.
- b. Interment plots are enclosed by a band of paving. Vases should be placed on this and not on the grass, both to respect other plots and to facilitate the maintenance of the churchyard.
- c. Bulbs may be planted in the soil of any grave.
- d. Poppies (or small wooden remembrance crosses) at the time of Remembrance Sunday.  
To be removed by 30 November.
- e. Christmas wreaths of natural foliage are welcome from mid-December. To be removed by 31 January.

### **6.2 What is not allowed**

- a. No artificial flowers of any kind. The only exception to this is for poppies on Remembrance Sunday.
- b. No trees, shrubs, or roses are allowed to be planted.
- c. No individual gardens are permitted.
- d. Items not allowed because they are dangerous, or interfere with grass cutting, or are out of keeping with the churchyard, include such items as:  
glass or other breakable or sharp items; chippings or gravel; pictures, portraits or photographs; statues or ornaments; lights (candles, solar or battery); birdbaths; kerbs, railings or chains; windmills, wind-chimes, cards, animal figures, angels, etc.

- 6.3 You are encouraged to care for your individual memorials having respect for the feelings of others using the churchyard. The PCC retains the right to remove anything from the churchyard which does not comply with these or other regulations. The cost of maintaining the churchyard is a major strain on our church finances. Any donations are greatly appreciated - please see the vicar or a churchwarden.

21 May 14