



Churchyard Regulations

Third Edition 2015

Rules relating to
burial, interment of cremated remains
and the placing of memorial/gravestones in churchyards
in the Diocese of Gloucester

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I Introduction

- 1.1 These churchyard regulations (**Regulations**) aim to help all those in the Diocese of Gloucester who wish for themselves, or for a friend or relative, to be buried in a churchyard in this diocese. It should be available for consultation by:
- those who may wish to leave instructions to their relatives as to their own wishes as to burial, cremation and memorials/gravestones;
 - those who have been bereaved, so they know what is permissible in a particular graveyard; and
 - funeral directors and others to explain these Regulations to their clients, and to comply themselves with them.
- 1.2 These Regulations are binding on the clergy, funeral directors, and parochial church councils (PCCs) and those involved with using the churchyards for burials of bodies or of cremated remains (ashes), and for the erection of memorials/gravestones.
- 1.3 Churchyards are important, not only to those whose loved ones might be buried there, but also in establishing the setting of the church. The Diocese of Gloucester has a large number of beautiful churchyards and it is therefore very important to ensure that they are maintained in good order as befits a final resting place for the departed and so as to preserve their historical, archaeological, architectural and ecological qualities.
- 1.4 A churchyard is consecrated to its purpose in the name of God, Father, Son and Holy Spirit, and with any burials in it, or works to it, this special status must be recognised. Those responsible for maintaining the churchyard must therefore ensure that whatever is done is in accordance with Christian principles.
- 1.5 These Regulations apply in every churchyard in the Diocese. PCCs should therefore:
- 1.5.1 give them as much local publicity as possible;
 - 1.5.2 keep a copy of them on permanent display in the church porch;
 - 1.5.3 supply copies to monumental masons who undertake work in the churchyard; and
 - 1.5.4 bring them to the attention of relatives who are seeking the burial of a relative at the earliest opportunity.
- 1.6 The day to day care of a churchyard is the legal responsibility of a PCC. This maintenance is not paid for by a Parish Council or any other Local Authority (unless it has been closed by Order in Council - see Regulation 13), so a PCC of a parish church is entitled to adopt its own regulations supplementing these Regulations provided that they do not purport to authorise any matter that is expressly not authorised by these Regulations. Such regulations may be more restrictive than these Regulations provided that they are reasonable, taking into account the particular characteristics and qualities of that churchyard, needs for maintenance or safety issues etc. Such additional regulations must be approved by way of a formal PCC resolution. In considering any application for a faculty, the Chancellor will give due consideration to any such local regulations but shall not be bound by them.

2 Burial

2.1 ***Can anyone be buried in a particular churchyard of their choice?***

- 2.1.1 No. Some people have a legal right to do so, for example there is a legal right of burial for anyone
- who was a parishioner at the time of their death;

- who died in the particular parish; or
- whose name was, at the date of death, entered in the electoral roll maintained on behalf of that particular church (this is not the same as the civil parish's electoral roll).

2.1.2 The above rights apply whether or not such a person was baptised or was a member of the worshipping community or was even a member of the Church of England

2.2 **What about someone who may have had past connections with a particular church but not at the time of death?**

2.2.1 *Existing graves*

If there is adequate depth in an existing grave, the incumbent will usually give permission for another deceased member of the same family to be buried in that grave. Similarly, cremated remains can be interred in a grave already containing the body/bodies of the relatives of the deceased.

HOWEVER, THIS CAN BE CONTROVERSIAL, AND SUCH A PROPOSAL MUST BE ACCEPTABLE TO THE CLOSE RELATIVES OF THE FAMILY/FAMILIES CONCERNED.

An incumbent in these circumstances will ask for the written assurances from the family members that they are agreeable to the proposed new burial / cremated remains being placed in the existing grave. Care should also be taken to ensure that any additional inscriptions to existing memorial are also agreed by the legal owners of the existing gravestones.

2.2.2 *A new grave*

An incumbent can, in consultation with his/her PCC consider on its merits any application for a new grave for someone with past connections to a particular church. The need to conserve decreasing grave spaces in some churches for the use of current parishioners means that such permission may be granted sparingly to those with strong family connections and/or particular service to that church.

2.3 **Can a particular spot be chosen in a churchyard for a grave ?**

2.3.1 No, as a general rule. In any graveyard the PCC agree a general plan which takes account of the physical constraints of the land available for single/double grave depths. Other factors such as flooding risk may have to be considered as well. The PCC will identify the place where a new grave may be dug.

2.3.2 The only exception to this is where a person(s) has/have obtained a faculty from the Chancellor for a particular grave space to be **reserved** for the burial of their body (see Regulation 9).

3 **Who is involved?**

3.1 The key individuals and organisations who may be involved in granting permission relating to various aspects of the churchyard are:

3.1.1 The **Chancellor**, who is the Ecclesiastical Judge in the Diocese and is ultimately responsible for decisions affecting churchyards. It is the Chancellor who decides upon applications for memorials/gravestones which fall outside the scope of the limited powers devolved to parish priests (as set out in these Regulations). The Chancellor also has the power to remove an inappropriate memorial/gravestone.

- 3.1.2 The **Archdeacons** can be contacted for advice in relation to churchyards, particularly where, for example, a parish priest is uncertain whether to give permission for the erection of a memorial/gravestone or change to an inscription on an existing memorial/gravestone. The Archdeacons can also apply to the Chancellor for the removal of an inappropriate memorial/gravestone.
 - 3.1.3 The **parish priest** may be known as the 'Incumbent', 'Vicar', 'Rector' or 'Priest-in-Charge'. He or she is able to take routine decisions affecting the churchyard, including the approval of memorials/gravestones within certain limits set out in these Regulations.
 - 3.1.4 When there is no parish priest, for example during a vacancy in the benefice, decisions about burials and memorials/gravestones will be taken by the **Area Dean** who will be another parish priest in the area.
 - 3.1.5 Each parish has a **Parochial Church Council** or PCC which is responsible for maintaining the churchyard and may need to give its approval to certain decisions.
- 3.2 A list of useful contacts can be found at Regulation 16. If in any doubt, relatives should ask for advice before taking any steps which might prove expensive if not approved.

4 Memorials/gravestones

4.1 General principles

- 4.1.1 Each individual churchyard is special to its own parishioner, and no one grieving family can impose their tastes and views about memorials/gravestones on other mourning families. No one family has a monopoly of grief. A graveyard need not be absolutely uniform, but certain standards have got to be acceptable to the wide variety of people who come to mourn their own relatives. For this reason there are general principles which have to be applied. Local Authority cemeteries may have wider parameters of individual choice for gravestones, but in Gloucestershire many of our churches are of national importance and their surrounding churchyards deserve special care.
- 4.1.2 There is no right in law given to anyone to have a memorial/gravestone erected in a churchyard, even if they are buried there, nor to have any particular inscription on such a memorial/gravestone. These matters require express permission.
- 4.1.3 From a legal point of view, the introduction of memorials/gravestones into churchyards is authorised by the Chancellor. However, in practice the Chancellor has delegated certain powers to parish priests, who are able to give consent to the introduction of certain memorials/gravestones provided that they comply strictly with these Regulations. If the proposed memorial/gravestone is outside these Regulations, then those intending to erect it must apply by petition to the Chancellor for permission to do so.
- 4.1.4 **Those intending to erect a memorial/gravestone should not enter into any agreement with a monumental mason for its supply until the necessary permission for its introduction into the churchyard has been granted either in writing by the parish priest or by way of a "faculty" granted by the Chancellor.** A faculty application is a request for permission made to the Chancellor of the Diocese. The application is made by way of a "petition" and must be paid for by the applicant.
- 4.1.5 Certain types of memorial/gravestone are not permitted, either because they are felt to be inappropriate in appearance, out of keeping in a Christian burial place, or because they are likely to be difficult to maintain (or a combination of these reasons).

- 4.1.6 Each churchyard should be harmonious in appearance and should form a worthy setting for the church in its midst. The design and choice of material for a memorial/gravestone should therefore take account of the established character of the churchyard and all stones should be compatible with, and appropriate to, their surroundings. See also Regulation 4.4.5.
- 4.1.7 A churchyard is not a private place in which anything is acceptable but rather a place where many people have a shared interest in its appearance. The Chancellor therefore has the power to require the removal of any inappropriate memorial/gravestone, or an inappropriate feature on a memorial/gravestone, placed in a churchyard without proper permission. An inscription on a gravestone is a public statement about the person who is being commemorated, which may last after the bereaved have themselves died. Such an inscription should be accurate as to names, dates of birth and death and any quotation on the stone should be consistent with Christian principles. It is therefore essential that any person wishing to erect a memorial/gravestone should obtain proper permission to do so before a memorial/gravestone is placed in a churchyard.

4.2 **Responsibility for memorials/gravestones**

- 4.2.1 Memorials/gravestones are the property of the person or persons who paid for them and after those persons themselves have died, the heir or heirs of the person commemorated on them. However, the ground in which someone is buried at all times remains the property of the incumbent. Any questions regarding the identity of the legal owner of a memorial/gravestone should be raised with the parish priest in the first instance.
- 4.2.2 It is the responsibility of the owner of a memorial/gravestone to maintain it. Care should be taken to choose memorials/gravestones, which are adequately and safely secured into the ground conforming to the National Association of Memorial Masons' guidelines. Owners may wish to insure their memorial/gravestone as it will not be covered by the PCC's insurance policy. Neither the PCC nor the Diocese will have any liability for any damage caused to memorials/gravestones resulting from acts of lack of maintenance, vandalism, weathering or acts of God.
- 4.2.3 **Contractors, including funeral directors and monumental masons, are reminded that before undertaking any work in a churchyard they should verify that permission has been granted either in writing by the parish priest or by faculty granted by the Chancellor.** If work is carried out without the appropriate 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.
- 4.2.4 **If circumstances arise when memorials/gravestones have to be removed, the PCC must apply to the Chancellor for permission to do so by way of a faculty petition**

4.3 **Memorials/gravestones which may be authorised by the parish priest**

- 4.3.1 The parish priest is authorised by the Chancellor to approve memorials/gravestones and inscriptions without a faculty provided that such memorials/gravestones or inscriptions comply with Appendix I of these Regulations.
- 4.3.2 The following memorials/gravestones may be authorised by the parish priest under delegated powers from the Chancellor and accordingly do not require a faculty:
- (a) Simple upright grave markers (provided that they comply with the provisions of Schedule I).

- (b) Sloping 'open-book' memorials/gravestones (provided that they comply with the provisions of Schedule 1).
 - (c) Wooden crosses (provided that they comply with the provisions of Schedule 1).
 - (d) Additional inscriptions on existing memorials/gravestones.
 - (e) Burial markers, in respect of the interment of cremated remains within a designated Garden of Remembrance provided that they comply with the provisions of Schedule 1 and accord with local practice as defined by the terms of the faculty under which the Garden of Remembrance within the churchyard was established.
 - (f) Simple flush horizontal markers, in respect of the interment of cremated remains within an existing grave (provided that they comply with the provisions of Appendix 1).
- 4.3.3 The size, shape, lettering, decoration and material applicable to a particular memorial/gravestone must also comply with the provisions of Schedule 1.
- 4.3.4 In order to facilitate the maintenance of a churchyard, kerb stones, gravel or chippings may not be authorised by the parish priest and are very unlikely to be approved by faculty even in churchyards where graves with such features are already present.
- 4.3.5 **Any memorial/gravestone, which it is proposed should have features not covered by these Regulations, will require a faculty.**
- 4.4 ***Application procedure for the authorisation of a memorial/gravestone by the parish priest***
- 4.4.1 The parish priest's written consent in the prescribed form must be obtained before a memorial/gravestone is commissioned and placed in the churchyard. Applications should be made on the appropriate application form to the parish priest (see Appendix 2). The application form is also available from parish priests, the Archdeacons, the DAC or the Diocesan Registrar. It may be downloaded from the Diocese's website (www.gloucester.anglican.org/parish-life/church-buildings-and-churchyards/faculties).
- 4.4.2 Applicants will be required to confirm in writing on the application form that all family members who may reasonably be regarded as having an interest in the memorial/gravestone have been consulted and that there are no objections to the proposed memorial/gravestone.
- 4.4.3 An application may not be submitted until a minimum of six months has elapsed between the death of the person to be commemorated and the application for permission for the memorial/gravestone. Applicants might be well advised to allow time for the ground to settle before erecting a memorial/gravestone; during this time they could consider just what kind of memorial/gravestone is wanted.
- 4.4.4 A parish priest is not bound to give his or her consent to any application although applicants may appeal any such decision by applying to the Chancellor for a faculty (see below).
- 4.4.5 A parish priest shall not be bound by decisions of previous parish priests made in contravention of these Regulations (or which would not otherwise have been authorised by these Regulations had they been in force at the relevant time). In particular, the existence of memorials/gravestones inappropriately authorised in the

past shall not be grounds for further introductions of such memorials/gravestones.

4.5 **Memorials/gravestones and other matters for which a faculty from the Chancellor is required**

- 4.5.1 If a parish priest receives an application for a memorial/gravestone which he or she is not authorised to approve under these Regulations, **the parish priest must inform the applicant that he or she is not in a position to grant permission and that the matter can only be authorised by a faculty.** It will usually have to be demonstrated that there is some substantial reason for permission to be given.
- 4.5.2 The permanent removal of a memorial/gravestone, for which the parish priest is prepared to give his consent, requires a faculty. The temporary removal for repair or the addition of a further inscription (provided that they comply with Schedule I) may be authorised by the parish priest provided that no changes are made to any existing names or inscriptions on the memorial/gravestone.
- 4.5.3 The removal of a memorial/gravestones in order to replace it with one for the purposes of recording additional names or inscriptions because there is insufficient space on the original memorial requires a faculty unless:
- (a) the memorial/gravestone to be removed is less than 25 years old and is of no historical interest; and
 - (b) the replacement memorial/gravestone complies with Schedule I of these Regulations and may be authorised by a parish priest; and
 - (c) the applicant has confirmed that all interested parties have been consulted on the proposed changes to the memorial/gravestone; and
 - (d) no changes are made to any existing names or inscriptions on the memorial/gravestone¹.

4.6 **Application procedure for a faculty**

- 4.6.1 Applicants should contact the DAC for a faculty application form.
- 4.6.2 A non-refundable statutory fee (currently £212 + VAT, December 2015) is payable in respect of the application. This fee is subject to periodic review and therefore applicants should check with the DAC as to the correct fee payable before submitting their petition).
- 4.6.3 Details of the proposed design must be fully described on the faculty application form and applicants should contact the DAC if they require advice on completing the petition or the process involved.
- 4.6.4 Once the petition and other supporting documents have been lodged at the Diocesan Registry and the fee paid, a public notice is displayed at the church. Once due notice has been given, the relevant papers will be sent to the Chancellor together with any letters or other communications either in support of or opposing the application. The Chancellor will then make a decision as to whether or not to grant the requested faculty. If the petition is opposed, further fees may be incurred and there may have to be a hearing before the Chancellor. The Chancellor has wide powers to award costs against any of the parties involved in the application.

¹ All four conditions need to be satisfied in these circumstances.

5 Burial of cremated remains

5.1 General

- 5.1.1 (For the rights to have cremated remains interred in a churchyard, see Regulation 2). Cremated remains may be interred either in an existing grave or in a part of the churchyard especially reserved for the purpose. The established practice of interring cremated remains in existing family graves is encouraged.
- 5.1.2 The interment of cremated remains within a family grave in a churchyard closed by Order in Council may require a faculty and the DAC should be consulted before any arrangements are made.
- 5.1.3 Cremated remains should either be buried in a small untreated soft wood casket or poured into a hole in the ground.

5.2 Grave markers

- 5.2.1 In existing Gardens of Remembrance, where individual marker stones are currently allowed, the introduction of a new stone within these Regulations requires the permission of the parish priest whose written consent must be obtained before a memorial/gravestone is placed. The stone should be properly bedded tablets of stone laid flush with the ground of a size not exceeding 21" x 21" (530mm x 530mm). The type of stone permitted is the same as for memorials/gravestones. Inscriptions on tablets should include the name of the deceased and dates of birth and death.
- 5.2.2 Additional inscriptions may be made to existing grave memorials/gravestones provided such additions exactly match the style and appearance of the earlier inscription and are approved by the parish priest.
- 5.2.3 Applications should be made using the form at Appendix 2. The parish priest will not be able to consider an application until you have confirmed that all interested family members have been consulted and do not object to the proposals.
- 5.2.4 Where a memorial/gravestone to an individual already exists, a second memorial/gravestone (whether in the same churchyard or elsewhere) to that individual can only be authorised by faculty. This situation may arise where cremated remains are not all interred in the same place.
- 5.2.5 Any proposed memorial/gravestone outside these Regulations requires faculty permission from the Chancellor.

5.3 Gardens of Remembrance

- 5.3.1 The establishment of any newly reserved areas for the disposal of cremated remains requires the grant of a faculty by the Chancellor.
- 5.3.2 Such a reserved area should be large enough for the requirements of at least the next 25 years, after which it can be re-used. This fact should be made clear to those intending to make use of the area for cremation interments. For this reason and for the sake of good maintenance, the permanent marking of burial spaces is undesirable.
- 5.3.3 A system of defining and recording separate disposal spaces must be introduced. No interments are permitted within 8 feet (2.5m) of the wall of a church in order to avoid deterioration of the wall due to a build-up of earth.
- 5.3.4 The boundary of the reserved area should be defined on the ground by wooden studs or stone setts, whose surface is level with the ground, and placed at intervals

of 300mm unless there is an existing natural or man-made boundary (hedge, wall, path, etc.). A scale plan of the area on which precise locations of interment of cremated remains can be recorded should be kept and maintained in the church.

- 5.3.5 In granting a faculty for a new Garden of Remembrance, or an additional Garden of Remembrance in the same churchyard, or re-use of an existing garden, the Chancellor will normally require a condition that limits commemoration to a Book of Remembrance in the church or central marker stone bearing an appropriate general inscription and the names of those whose cremated remains have been interred in the Garden of Remembrance. This is because:
- (a) for aesthetic and maintenance reasons, permanent marking of burial spaces is undesirable;
 - (b) the commemoration of disposals by the use of small horizontal slabs with inscriptions may well be felt, initially not to be visually intrusive but the cumulative effect of such an approach over a large area can be destructive of the character of the churchyard;
 - (c) extensive areas of paving are essentially urban in character, detract from the visual pleasures of the scene and limit the natural habitat for plant life;
 - (d) the area may require re-use after, say, 25 years and that any slabs will then need to be removed.
- 5.3.6 The best examples are invariably those where there are no individual memorials/gravestones "on site" and either a Book of Remembrance is available in the church, in a position affording opportunity for private prayer and contemplation for the bereaved, or an appropriate central marker stone is provided in the Garden of Remembrance which bears an appropriate general inscription describing the purpose of the area. Both require a faculty and the advice of the DAC should be sought before either a book and its display case is purchased for introduction into the church, or a design of the proposed central marker stone is finalised.
- 5.3.7 In exceptional circumstances, a faculty, for an extension to an existing Garden of Remembrance where it is existing practice, may permit individual marker stones.

6 Vaults and above-ground funerary edifices

- 6.1 The construction of a brick-lined vault, bricked grave or mausoleum in a churchyard requires the authority of the Chancellor by way of a faculty. A faculty will only be granted in exceptional circumstances.
- 6.2 Where an application is made for the construction of such a vault, the Chancellor will require an assurance that:
- 6.2.1 any memorial to be erected over the vault will comply with these Regulations;
 - 6.2.2 a fund for future maintenance will be established if the faculty is granted; and
 - 6.2.3 any necessary planning consent has been obtained.

7 Interment within or below the church

Interment within or below the church itself requires a faculty in each case. It is recommended that an initial discussion is held with the parish priest and relevant Archdeacon before making a formal application.

8 Flowers

- 8.1 Except where the design of a memorial/gravestone includes an integral vessel for plants or cut flowers, flowers may only be placed in a removable container. Wreaths and cut flowers may be placed in such containers or laid on any grave, but must be removed as soon as they appear to be withered or dead.
- 8.2 If a flower vase is the only memorial it should be fixed securely to a foundation stone flush with the ground.
- 8.3 Artificial flowers are not allowed except for Remembrance Day poppies and traditional Christmas wreaths. They should be removed after no more than 2 months.
- 8.4 The PCC may, at its discretion, at any time remove and dispose of wreaths, cut flowers or artificial flowers placed in a churchyard if it is considered that, in the PCC's reasonable opinion, they have deteriorated and/or have become unsightly.
- 8.5 Bulbs and small annual plants may be planted in the soil of any grave (but not in any container). However, no trees or shrubs may be planted without the agreement of the relevant PCC (see Regulation 12.2 below) and the consent of the relevant Archdeacon (to be provided by way of a written notice following consultation with the Archdeacon).
- 8.6 In accordance with Regulation 1.6, the PCC may make rules for the location and removal of flowers and a copy of such rules shall be made available both to the family of the deceased before any burial or the interment of cremated remains and should generally be available for perusal in the church porch or other suitable position in the churchyard where they may be freely consulted by members of the public.
- 8.7 A parish priest, churchwarden or whoever is authorised by the PCC to look after the churchyard is permitted to remove unsightly flowers and any items not permitted by these Regulations and any other permitted items if they consider they are not maintained to an acceptable and tidy condition.
- 8.8 One suitable toy or tribute may be placed on the grave of a child (i.e. a person under 18 years of age) provided that it is removed after a period of [six months]. No ornaments or additions may be placed on other graves save for flowers or wreaths as provided in this Regulation 7.

9 Reservation of grave spaces

- 9.1 Grave spaces may only be reserved by faculty and the maximum period of reservation permitted by law is 100 years.
- 9.2 If the churchwardens are not able to certify that there is sufficient space to meet foreseeable need for burial space for the next five years, then the application must be referred to the PCC for consideration before a faculty petition is lodged. In considering whether to grant a faculty, the Chancellor will give due consideration to the PCC's views and, if applicable, to any policy adopted by the PCC in its own churchyard regulations adopted pursuant to Regulation 1.4.
- 9.3 Applications should be made direct to the Diocesan Registrar together with the applicable fee. There is no requirement for the application to be sent to the DAC. The appropriate form is attached at Schedule 3 and is available on the Diocese's website <http://www.gloucester.anglican.org/parish-life/church-buildings-and-churchyards/faculties/> and from the Diocesan Registry. An application form can also be obtained from the DAC secretary (see Regulation 16 for contact details).
- 9.4 The area of the churchyard concerned should be properly surveyed and the petition should be accompanied by a plan setting out the precise measurements relating to the position of

the grave space to be reserved from at least two fixed points. There should be a north point shown on the plan. The description of the plot in the schedule to the application should contain reference to each measurement shown on the plan. This is necessary to avoid any confusion that might arise in the future.

10 Exhumation

- 10.1 Whenever a deceased person is buried in consecrated ground, it is assumed that the place of burial is intended to be the final resting place of that individual. The same principle applies when the cremated remains of a deceased person are interred in consecrated ground.
- 10.2 The exhumation of human remains (including cremated remains) from consecrated ground for the purpose of reburial in another place is unlawful, unless it has been authorised by faculty. The relatives or personal representatives of a deceased individual will be deemed in the first instance to have chosen the consecrated place of burial as the final resting place and accordingly a faculty for an exhumation will only be granted in wholly exceptional circumstances.
- 10.3 Anyone seeking a faculty authorising the exhumation of the remains of an individual buried in consecrated ground or cremated remains of such a person will therefore have to put forward special grounds in order to obtain a faculty. Mere convenience of visiting a grave or place of burial or the fact that relatives have subsequently moved to a different area are very unlikely to justify the grant of a faculty for disturbing the remains.

11 American-style caskets

The parish priest may refuse to allow the burial of unusually large coffins. If an applicant is proposing to order one of these, they should consult with their parish priest to see whether it will be permitted in the churchyard.

12 Trees

- 12.1 The upkeep of trees within a churchyard is the responsibility of the PCC. This is the case even where the churchyard has been closed unless responsibility for the maintenance of the churchyard has been passed to the local authority.
- 12.2 A range of works to trees in a churchyard may be undertaken without a faculty in accordance with List A and List B in Schedule 1 to the Faculty Jurisdiction Rules 2015. Carrying out works in List A or List B is subject to conditions set out in the list.
- 12.3 "List A" matters may be undertaken by an authorised person without a faculty and without the need for consultation, subject to any conditions specified in the Faculty Jurisdiction Rules 2015.
- 12.1 Paragraph A8 of List A covers the following matters:
- 12.1.1 The felling, lopping or topping of a tree the diameter of any stem of which does not exceed 75 millimetres (measured over the bark at a height of 1.5 metres above ground level).
- 12.1.2 The lopping or topping of any tree:
- (a) that is dying or dead; or
 - (b) has become dangerous
- 12.1.3 The removal of dead branches from a living tree.
- 12.2 "List B" matters may be undertaken by an authorised person without a faculty if the Archdeacon has been consulted on the proposal and has given notice in writing that it may

be undertaken without a faculty but subject to any conditions specified in the Faculty Jurisdiction Rules 2015 and/or imposed by the Archdeacon (who must consult the DAC before deciding whether to give notice of consent).

12.3 Paragraph B6 of List B covers the following matters:

12.3.1 The planting of trees.

12.3.2 The felling of a tree:

(a) that is dying or dead; or

(b) has become dangerous.

12.3.3 All other works to trees (whether or not prescribed in List A) except felling.

12.4 The felling of a tree that is neither dead nor dying and which has not become dangerous cannot be carried out under List A or List B and requires a faculty.

12.5 In undertaking any works to trees, regard must be had at all times to guidance issued by the Church Buildings Council under section 6(3) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. A copy of the latest guidance can be found here: http://www.churchcare.co.uk/images/Guidance_to_parochial_church_councils_on_the_planting_Lists_A_and_B.pdf.

13 **Closure of churchyards**

13.1 In order formally to close a churchyard, a PCC should apply to the Ministry of Justice for an Order in Council using the application form issued by the Ministry of Justice and available on its website.

13.2 In order for the churchyard to be closed, one of the following grounds must be met:

13.2.1 That there is no proper room for new graves.

13.2.2 That further burials would be contrary to decency.

13.2.3 That the discontinuance of burials would prevent or mitigate a nuisance.

13.2.4 That further burials would constitute a health risk.

13.3 The usual reason for wishing to close a churchyard is because there is no proper room for new graves, but this will not be a sufficient reason if the church has already acquired other ground in which burials can still be made.

13.4 If and when an Order in Council closing the churchyard is obtained, a PCC may request the appropriate local authority take over the maintenance of the closed churchyard.

13.5 The Order in Council will not remove the legal effects of consecration and the churchyard will therefore remain subject to the faculty jurisdiction. The churchyard may still be used for the interment of cremated remains provided that no human remains are disturbed, and if the Order permits, it may still be possible for further burials to take place in specified places, for example, in existing graves or those reserved by faculty, provided that certain conditions are met.

14 **Legal reservations**

14.1 These Regulations shall take effect subject always to any licences, faculties, decrees, orders or regulations, particular or general, which may be made and issued from time to time by the Chancellor of the Diocese.

- 14.2 The Consistory Court does not usually seek to exercise jurisdiction in the straightforward day-to-day management of the churchyard and the consent of the parish priest is, by custom, sufficient authority in such cases permitted under Regulation 4.3 above, provided that the parish priest gives his or her consent in writing.
- 14.3 In all cases not covered by these Regulations, or where there is controversy, or where, for any reason, the parish priest shall have declined to give his or her consent to any proposal, the applicant shall be required to obtain the authority of a faculty.

15 Further advice

- 15.1 Further advice may be obtained from the Archdeacons, the DAC Secretary or the Diocesan Registrar (please see the contact details below).
- 15.2 Faculty petition forms, and forms for permission to introduce a memorial/gravestone into a churchyard or to make changes to an existing memorial/gravestone are available from parish priests, the Archdeacons, the DAC Secretary or the Diocesan Registrar or on the Diocese's website <http://www.gloucester.anglican.org/parish-life/church-buildings-and-churchyards/faculties/>.
- 15.3 Applications for the reservation of a grave space or exhumation should be made directly to the Diocesan Registrar.
- 15.4 These Regulations supersede and replace the second edition of the Diocese of Gloucester Churchyard Regulations issued in 1993.

June Rodgers

Chancellor of the Diocese of Gloucester

16 Useful contacts

Archdeacon of Cheltenham

The Venerable Robert Springett
Bishop of Gloucester's office, 2 College Green,
Gloucester, GL1 2LY
T: 01452 835594 / 07962 273544
E: archdchelt@glosdioc.org.uk

Archdeacon of Gloucester

The Venerable Jackie Searle
Bishop of Gloucester's office, 2 College Green,
Gloucester, GL1 2LY
T: 01452 835583 / 07913 944974
E: archdglos@glosdioc.org.uk

The DAC

Mrs Natalie Fenner – 01452 835593

Mr Ian Serjeant - 01452 835593

Mr Adam Klups - 01452 835567

Mrs Mary Coates - 01452 835530

Diocesan Advisory Committee
Church House, College Green, Gloucester,
GL1 2LY
T: 01452 410022
E: dac@glosdioc.org.uk

Diocesan Registrar

Mr Jos Moule
Veale Wasbrough Vizards
Narrow Quay House, Narrow Quay, Bristol,
BS1 4QA
T: 0117 314 5680:
gloucesterregistry@vww.co.uk /
faculties@vww.co.uk

Diocesan Records Office

Gloucestershire Archives

Gloucestershire County Council, Clarence Row,
Alvin Street, Gloucester, GL1 3DW
T: 01452 425295
E: archives@gloucestershire.gov.uk

17 **Relevant Publications and Useful Addresses**

The Churchyard Handbook (Church House Publishing 2003)

Available for purchase from Church House Bookshop, 31 Great Smith Street, Westminster, London, SW1P 3BN t: (020) 7898 1300/02 or www.chbookshop.co.uk.

Memorials by Artists (H Fraser, 1998)

Illustrated booklet to assist in identifying suitable artist letter-cutters who can provide individual and characteristic monuments.

Available Harriet Frazer, Snape Priory, Saxmundham, Suffolk, IP17 1SA.

The National Association of Memorial Masons

27a Albert Street, Rugby, Warwickshire, CV21 2SG t: 01788 542264 f: 01788 542276 e: enquiries@namm.org.uk w: www.namm.org.uk.

The Crafts Council

44a Pentonville Road, London, N1 9BY t: 020 7278 7700 e: reference@craftscouncil.org.uk w: www.craftscouncil.org.uk.

Schedule 1 Parish priest's permission

<p>Size</p>	<p>A parish priest may approve upright grave markers up to the following dimensions (measured from the surface of the ground):</p> <ul style="list-style-type: none"> • Height: 4'0" (1200mm) • Width: 3'0" (900mm) • Depth: 6" (150mm) <p>A parish priest may approve horizontal markers up to the following dimensions:</p> <ul style="list-style-type: none"> • Length: [18"] • Width: [12"] • Depth: [2"] <p>These measurements are not intended to define standard proportions of memorials/gravestones, which may be of any dimensions within the limits above.</p>
<p>Shape</p>	<p>A parish priest may only permit the forms of memorial/gravestone described at 4.3.2(a) to 4.3.2(f) above. This means that a parish priest may not permit horizontal ledger slabs, crosses (other than wooden crosses), kerbs, chippings or sculptures.</p> <p>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.</p>
<p>Lettering</p>	<p>On any memorial/gravestone authorised by a parish priest the lettering may be incised or in relief, and may be infilled with colour or gilded. Lead infilled lettering is permitted, but no other form of applied lettering may be authorised by a parish priest.</p> <p>Care should be taking in selecting the wording to be inscribed on the memorial/gravestone, and it is recommended that advice is sought from the parish priest. The wording must be accurate and not misleading and applicants are asked to provide this confirmation in the application form. An imaginative approach to the epitaph is encouraged, but excessive sentimentality should be avoided. Wording must be consistent with the Christian faith.</p> <p>The monumental mason's name or mark may be inscribed on the side or on the reverse in letters no larger than ½inch (13mm) in height. No other advertisement or trademarks may be inscribed on or fixed to a memorial/gravestone.</p>
<p>Decoration</p>	<p>A parish priest may permit Christian or other appropriate symbols, for example depictions of items connected with the profession or leisure interest of the person commemorated. However, it is important to maintain an acceptable standard of design of such symbols.</p> <p>A parish priest may not permit photographs or ceramic portraits or any</p>

	<p>other form of depiction of the person commemorated.</p> <p>No advertisement or trademark may be inscribed on the face of the memorial/gravestone. However, the monumental mason's name may be discreetly inscribed on the side or on the reverse of the memorial/gravestone.</p>
<p>Materials</p>	<p>A parish priest may permit memorials/gravestones made of any natural stone or hardwood, except for the following:</p> <ul style="list-style-type: none"> • White marble. • Any granite other than unpolished grey. • Any other use of a reflective polished surface. <p>If a parish priest has any doubts over the identity or suitability of any material, the matter should be referred to the Secretary of the DAC.</p>

Diocese of Gloucester

Application form to replace or add to or amend an inscription on an existing memorial/gravestone or to introduce a memorial/gravestone into a Churchyard

Before completing this application form, you are required to read the Diocese of Gloucester Churchyard Regulations [(third edition 2015)] (the "Regulations"), which can be found on the Diocese of Gloucester's website <http://gloucester.anglican.org/parish-life/church-buildings-and-churchyards/churchyards/>

If you are using this form to apply for permission to replace an existing memorial/gravestone or erect a new memorial/gravestone, please complete each part of the form.

If you are using this form to add an inscription to or amend an inscription on an existing memorial/gravestone, please complete parts A, D, E and F only.

Permission is sought to replace* / erect* / add an inscription to* / amend an inscription on* a memorial/gravestone

PART A - DETAILS OF THE APPLICANT AND THE DECEASED

Name of Churchyard

Name of Applicant

Address
.....
.....

Email address

Telephone number

Name of Deceased

Date of burial/interment

Relationship of Applicant to the Deceased

I/We apply for consent to replace* / erect* / add an inscription to* / amend an inscription on* a memorial/gravestone in the Churchyard named above and confirm that:

- I/We have read the current edition of the Regulations.
- All the factual statements to be inscribed on the memorial/gravestone are accurate and are not misleading.
- I/We have used all reasonable endeavours to consult with all known family members of the deceased who may reasonably be expected to have an interest in the memorial/gravestone and I/We confirm that no such family member has raised an objection to the proposal.
- Save in the case of the erection of a new memorial/gravestone, I/We confirm that I/We am/are the owner of the memorial/gravestone and understand that I/We am/are responsible for its security and safety.
- Where this application is for the addition of any further inscription or the replacement of an existing memorial/gravestone, that I/we am/are the legal owner/s of the memorial/gravestone².
- I/We understand that if the memorial/gravestone becomes insecure or otherwise unsafe, the Parochial Church Council may direct that the memorial/gravestone be laid flat in order to avoid the risk of personal injury and damage³.

I/We agree at all times to comply with the Regulations and acknowledge the right of the Parochial Church Council to remove all items from the Churchyard that are not permitted by the Regulations.

I/We further understand that any consent may be withdrawn as a result of any failure to comply with the Regulations or as a result of any inaccurate or misleading statement included in this application.

I/We undertake to indemnify and keep indemnified the Incumbent (or Priest-in-Charge) and the Parochial Church Council against all costs, liabilities and expenses which he or she may suffer or incur as a result of any failure to comply with the Regulations or arising from any inaccurate or misleading statement made on this application form.

Applicant's signature

Date

² The owner of a memorial will be the person who commissioned and paid for it and, upon their death, the heir-at-law of the person or persons commemorated. If you are any doubt as to who is the legal owner, you should discuss the matter with the Incumbent (or Priest-in-Charge).

³ It is the owner's responsibility to insure the memorial. The Diocese of Gloucester will not be liable for any loss resulting from acts of vandalism, weathering or from acts of God.

PART B - DETAILS OF MEMORIAL/GRAVESTONE (TO BE COMPLETED BY CRAFTSMAN/MONUMENTAL MASON)

Type of memorial/gravestone

Type of stone, colour and shade

Surface finish

Design / shape

(A scale drawing of the memorial/gravestone (not less than 2.5cm = 25cm) must be provided)

Description of any carving or decoration

PART C - DIMENSIONS OF MEMORIAL/GRAVESTONE (TO BE COMPLETED BY CRAFTSMAN/MONUMENTAL MASON)

Plate (maximum height measured from ground surface)	Minimum width	.....
	Maximum width	.....
	Thickness	.....
Plinth (maximum height above ground surface)	Maximum width	.....
	Depth	.....
Distance between front of plate and front edge of plinth		.....
Foundation <i>(The foundation must not project above ground level and should be covered by soil)</i>	Material	.....
	Dimensions	.....

OR

Cremated remains tablet	Shape	.....
	Dimensions	.....

PART D - PROPOSED INSCRIPTION

Existing inscription

*(To be completed only
where there is an
existing
memorial/gravestone)*

Proposed inscription

Any relevant
information
explaining the reason
for the proposed
wording

Please confirm the
type and style of
lettering.

Is the lettering of the
inscription to be
painted or gilded?

If so, please provide
further details.

PART E - DETAILS OF CRAFTSMAN/MONUMENTAL MASON

Name

Address

.....

.....

Email address

Telephone number

I/We confirm that:

- I/We have read the Diocese of Gloucester Churchyard Regulations and confirm that in my/our opinion that the proposed memorial/gravestone complies with these Regulations.
- The memorial/gravestone will not be erected until written permission has been obtained from the Incumbent or the Chancellor of the Diocese of Gloucester.
- If approval is given, the design of the memorial/gravestone will not be altered before it is erected.
- I/We will ensure that the grave and its immediate surroundings are left neat and tidy and level following completion of the work.
- Due account has been taken of the nature of the ground and any potential settlement problems and that the proposed method of fixing accords with BS 8415, and I/we agree to indemnify the Incumbent, Churchwardens and the Parochial Church Council against any liability that may arise out of the failure on my/our part to construct and install the memorial/gravestone in accordance with BS 8415.
- I/We acknowledge that if the memorial/gravestone is found to have been inadequately fixed we will be liable at the direction of the Chancellor to meet the cost of its removal and/or refixing.
- I/We acknowledge that if a memorial/gravestone is placed which does not comply with the application submitted and the permission granted, those placing the memorial/gravestone will be liable for the cost of its removal.

Craftsman/Monumental Mason's signature

Date

PART F - INCUMBENT'S (OR PRIEST-IN-CHARGE'S) CONSENT

Name

Position

I believe that the memorial/gravestone (including the inscription) described in this application complies with the Regulations and hereby grant permission for its erection.

The fee for this work will be: £.....

A cheque for this amount should be made payable toPCC.

I do not believe that the memorial/gravestone (including the inscription) described in this application complies with the Diocese of Gloucester Churchyard Regulations and for that reason, I refuse permission for its erection.

For the following reason I am not prepared to grant permission for the erection of this memorial/gravestone.

.....
.....
.....
.....
.....

Incumbent (or Priest-in-Charge) signature

Date:

Notes for applicants

The size, shape, lettering, decoration and materials permitted by the Diocese of Gloucester are confirmed in the Regulations. If you have any questions in relation to the interpretation of the Regulations and are unsure whether your proposals meet the criteria set by the Diocese of Gloucester, please contact the Archdeacon of Gloucester (archdglos@glosdioc.org.uk / 01452 835583) or the Archdeacon of Cheltenham (archdchelt@glosdioc.org.uk / 01452 835594).

RESERVATION OF GRAVESPACE IN CHURCHYARD (I)

IN THE CONSISTORY COURT OF THE DIOCESE OF GLOUCESTER

PARISH OF

CHURCH OF

TO THE WORSHIPFUL DORIS JUNE RODGERS, Master of Arts, Barrister-at-Law, Chancellor of the Diocese of Gloucester and Principal of the Consistory Court of that Diocese

The humble Petition of (Names _____) of (Address _____) in the County of (_____) and Diocese of Gloucester

S H O W S :-

That your Petitioner (a Parishioner of the Parish of _____) wishes to have appropriated and reserved to the Petitioner (Names _____) in _____ Churchyard, _____ Parish of _____ for a piece of ground measuring _____ feet by _____ feet as and for the burial place of the Petitioner which said piece of ground is shown on the plan annexed hereto and thereon edged in red.

That the answers to the questions set out in the document annexed have been duly completed by your Petitioner and are true to the best of his or her knowledge information and belief.

That your Petitioner is prepared to pay the usual interment fees when they become due and any further fees for such headstone or other work as may be permitted.

Your Petitioner therefore humbly prays that a Faculty may be granted authorising the setting apart and appropriating of the said piece of ground when so enclosed as the burial place of your Petitioner exclusive of all others for a period not exceeding one hundred years, to be demarcated by four dropped corner stones sunk to the level of the grass (or such other demarcation as is agreed).

And your Petitioner will ever pray etc.

Signed _____

Dated _____ 2015

I, _____ Incumbent/Priest-in-Charge of the Parish of _____ consent to the above Petition

Signed _____

Address _____

If no appearance entered in opposition let a Faculty pass the Seal as prayed

Chancellor

RESERVATION OF GRAVESPACE IN CHURCHYARD (2)

IN THE CONSISTORY COURT OF THE DIOCESE OF GLOUCESTER

PARISH OF

CHURCH OF

QUESTIONS	ANSWERS
1. Name, address and occupation of the Petitioner. State whether parishioner or not, and if so, for how long.	
2. For whom and for how many persons is the space to be reserved? Are they parishioners or with any special claims?	
3. A plan of the churchyard showing the space proposed to be reserved and giving the measurements should be supplied.	
4. Are the remains of any other person interred in the space? If so, whose? Date of burial should also be given. Was he or she a parishioner?	
5. What is the average number of burials in the churchyard in the past three years?	
6. How long will the churchyard serve for burials at the above average?	
7. Is it proposed to erect a memorial/gravestone now? If so, this must be authorised separately in accordance with the Churchyard Regulations. NOTE- A faculty for the reservation of a gravespace does not authorise the erection of a memorial/gravestone.	
8. Does the Parochial Church Council consent to the prayer of the Petition?	
9. What sum is to be paid as the consideration for the privilege of reserving this space?	

Signed _____

Dated _____