

## Churchyard Regulations for the Parish of Pangbourne with Tidmarsh & Sulham

We are very sorry that you have recently suffered a bereavement. You have been given this document because you wish your loved one, or their ashes, to be interred in one of the churchyards in our parish.

Please keep it somewhere safe, as you will find it helpful in telling you some of the rules that apply to Church of England graveyards.

If you have any questions, or would like to speak to someone in confidence, your local minister will be very happy to help or advise.

### General:

These Regulations relate primarily to all churchyards and to other consecrated ground associated with churches. They have been adopted by the PCC of the Parish of Pangbourne with Tidmarsh & Sulham.

- Parishioners and all persons dying within the boundaries of an ecclesiastical parish have the right to burial in the churchyard of that parish, provided it is still open for burials.
- Permission for burial for other persons is limited to burial (or interment of ashes) within an existing family grave.
- There is no automatic right for the interment of ashes in any churchyard, and permission is at the discretion of the incumbent.
- There is no right to burial in a particular part of a churchyard.
- Any exhumation is unlawful, unless authorised by a court of law.

### Legal Rights and Delegated Authority

#### *Right of Burial*

3.1 All parishioners (not just those closely associated with the church) have a right to be buried in the churchyard of their parish church, unless it has been closed for further burial by Order in Council.

3.2 The strict burial right of a parishioner is confined to interment in the churchyard. The erection of a tombstone or monument over a grave, though now common, remains a privilege, and strictly speaking no tombstone or monument may be erected in a churchyard without the authority of a Faculty from the Consistory Court and granted by the Diocesan Chancellor.

Because it is a *churchyard*, any memorial must be compatible with the Christian religion.

#### *Authorising Memorials.*

3.3 No permission may be given for the erection of a memorial or ledger until 6 months has elapsed from the date of burial or interment.

3.4 The responsibility for the authorisation of a churchyard memorial or ledger primarily lies not with the incumbent or priest-in-charge but with the Consistory Court. Application may be made at any time to the Consistory Court for authorisation by faculty to erect a memorial or ledger outside the scope of these Regulations. If granted this may be subject to conditions.

3.5 In practice the Chancellor has delegated a limited authority to the incumbent, who may normally grant permission for the erection of a tombstone, monument or ledger.

3.6 No memorial or ledger may be erected in a churchyard until all the provisions set out in paragraph

3.7 have been completed. Similarly, no additional inscription may be made to a memorial or ledger until provisions similar to those in paragraph 3.7 have been complied with. No commission to an undertaker or monumental mason should be given until a churchyard memorial or ledger agreement referred to in 3.7 has been entered into.

### Churchyard Memorial Agreement

3.7 Memorials or ledgers may be authorised by incumbents, priests-in-charge or area deans only if:

- the memorial or ledger falls squarely within the ambit of these Regulations (and any supplementary regulations imposed by the PCC and authorised by the Consistory Court), and
- a contract is entered into by the legal personal representative or executor (usually, but not always, a close relative of the deceased), seeking to erect the memorial.

The agreement is to be in the form set out below.

## CHURCHYARD MEMORIAL OR LEDGER AGREEMENT

**Plot Number (if available) :** ..... **(on attached plan)**

*[NB This application may be made by the legal personal representative or an executor (usually, but not always, a close relative) of the deceased*

1 This application for authorisation to erect a memorial/ledger in the churchyard of the parish of is made by [ name ] of [ address ]

2 I am the [ state relationship to the deceased ] of [ name of deceased ] and/or the administrator / executor [ or state any other legal authority ] of his / her estate. The deceased lived at [ address ]

3 I understand that the only memorial that may be erected as a result of this application is one that falls entirely within the Churchyard Regulations and is as described in the Schedule attached. I acknowledge that I have been given a copy of the Regulations and understand them.

4 I also understand that the authorisation that is given to me to erect a memorial is subject to the provisions of the Pastoral Measure 1983 (or any replacement Measure) and in the first instance only permits the memorial to remain in the churchyard for a period of 100 years. I acknowledge that this period of time may be shortened, or extended, by a faculty of the Consistory Court.

5. Breach of those Regulations (now or at some future time) or failure to maintain the memorial or the grave, may result in the memorial being removed by the church authorities with the consent of the Chancellor of the Diocese.

6. I understand that the Consistory Court of the Diocese of Oxford shall have sole jurisdiction in interpreting and applying these arrangements.

*Signed by the applicant*

In consideration of the applicant paying the statutory fee payable under the Ecclesiastical Fees Measure 1986 and in exercise of the delegated powers given to me I hereby authorise the applicant to erect a memorial solely in accordance with the schedule attached to this document

This authorisation permits the memorial to remain within the churchyard for a period no longer than 100 years from the date of this contractual agreement. For good and proper reasons it may be removed at any time but only under the further authority of a faculty

*Signed by the incumbent/priest-in-charge/area dean*

### **The Schedule**

*[ Insert here a brief description of the proposed memorial (indicating size, materials, finish and inscription, together with a churchyard plan showing the position of the plot and a sketch of the design ]*

3.8 A copy of the agreement must be given *directly* to the person seeking to erect the memorial. It is insufficient for the copy to be given to an undertaker or monumental mason.

3.9 The original of the agreement must be safely kept with the parish records and shown to the archdeacon on request

*Any memorial application which does not fall within the parameters in section 4 below will require a faculty.*

## **Regulations for Tombstones, Monuments or Ledgers**

4. The Chancellor in consultation with the Diocesan Advisory Committee has established the following Regulations for implementation in all churchyards throughout the Diocese They replace all previous Churchyard Regulations unless authorised by Faculty:

4.1 Materials: A memorial must be made of natural stone with a non-reflecting surface, or of hardwood. Stones traditionally used in local buildings, or stones closely similar to them in colour and texture, are to be preferred. Black blue or red igneous rock (eg red granite), marble, synthetic stone or plastic are not permitted. Painted or polished stone is also not permitted, although a small area of non-reflective polishing may be permitted, to take an inscription.

4.2 Dimensions : A memorial may be:

- no larger than 1200mm (4ft) in height from the ground, 900mm (3ft) in width and 150mm (6inches) in thickness; and
- no smaller than 75mm (3inches) in thickness, save that slate memorials may be no smaller than 38mm (1 1/2 inches) in thickness.

4.3 Base and Foundation Slab: A memorial must be inserted sufficiently into the ground to ensure stability or be supported by a pre-cast concrete shoe.

- Due regard must be paid to the nature of the ground and the problem of settlement.
- A headstone may stand on a stone base, provided that it is an integral part of the design and does not project more than 50mm (2 inches) beyond the headstone in any direction
- Foundation slabs must not be visible
- The headstone must either be set into a below-ground shoe or be connected to its base by non-ferrous dowels

4.4 Designs: a memorial need not be rectangular in shape. Curved tops may be preferable to straight edges.

- Individually designed memorials are encouraged but may only be permitted by faculty.
- Memorials in the shape of a heart or cross are not permitted save by way of faculty.
- Photographic and etched images, mouldings, etchings, videos or sound-recordings of the deceased, imagery (of stained glass windows, flowers, animals, toys and the like), kerbs, fencing, railings, chains, chippings or glass shades are prohibited save when permitted by faculty, which is unlikely to be granted save in exceptional circumstances.

4.5 Sculpture: Armorial bearings, crests, figurative sculpture, or other statuary may only be authorised by faculty.

4.6 Inscriptions: Inscriptions must be simple, reverent and theologically acceptable; they may include appropriate quotations from the Scriptures or literary sources.

- A request for any other inscription (including non-literary verses) must be made to the Diocesan Chancellor via the Registry. Inscriptions must be incised or in relief. Plastic, lead or other inserted lettering is not permitted.
- Nicknames or pet names may be used in addition to baptismal names; they should, however, normally be included in inverted commas within the name of the deceased. Diminutives and pet names may be permitted within the discretion of the incumbent or relevant area dean.
- Additions may be made to an inscription at a later date following a further interment in the same grave or for other suitable reason. Any such addition must, however, be separately authorised in a manner similar to that set out in paragraph 3.7. The lettering, layout and wording must be consistent with the original inscription.
- Hand-crafted letter-cutting is welcomed and encouraged.

4.7 Commemoration after Cremation: The erection of a memorial tablet or ledger is not permitted except in an area set aside by faculty (and then only in accordance with the terms of that faculty). A suitable addition to an existing memorial to a close relative is permitted but must be separately authorised in a manner similar to that set out in paragraph 3.7.

4.8 Trademarks: No advertisement or trademark may be inscribed on a memorial, although the mason's name may be inscribed at the side or the reverse in unleaded letters, no larger than 13mm.

## **Upkeep of Graves:**

Graves may not be fenced or otherwise individually delineated.

Individual gardens, fencing, pots or shrubs are not permitted on any grave, although a few bulbs and annuals may be planted. Next of Kin should be aware that these will be mowed over when grass cutting commences.

- Only cut flowers or wreaths may be left at the graveside. These must be removed when withered or decaying. Organic waste only may be disposed of in the churchyard. Non-organic waste must be taken home.
- No plastic or artificial flowers are permitted save in relation to: o Remembrance Day wreaths or poppies, or Christmas wreaths; these must be removed after a period of one month.
- Silk flowers, appropriate to the season; these must be removed when they become faded.
- Toys or other similar ornaments may be left at the graveside for a period of twelve months after the burial or interment. They must then be removed.
- Each churchyard is maintained by the appropriate Parochial Church Council, who will always welcome donations towards its upkeep.
- Those caring for the graveyard on a day to day basis will take whatever action is necessary to keep it tidy including removing dead flowers, items which infringe these regulations, and levelling and mowing any graves which appear to have been untended for a reasonable length of time.

### **Interment of cremated remains**

#### ***In a churchyard or other consecrated ground open for burials***

Interment of Cremated Remains in a Churchyard with a designated Garden of Remembrance.

- Cremated remains disposed of in the churchyard must be buried in the designated garden of remembrance.
- The cremated remains only should be buried. In no circumstances may a casket or urn be used.
- No memorial may be erected in the garden of remembrance.
- All interments of cremated remains will be recorded in the Burial Register, and in the Book of Remembrance if one is in use in the Church.
- Permission to bury cremated remains in the Garden of Remembrance is at the discretion of the incumbent.

Interment of Cremated Remains in a Churchyard without a designated Garden of Remembrance.

- Cremated remains disposed of in the churchyard must be buried in the next available plot. There is no right of choice as to the location of the burial plot.
- The cremated remains should be buried in a casket.
- A memorial may be erected, according to the regulations above.
- All interments of cremated remains will be recorded in the Burial Register.
- Permission to bury cremated remains in the churchyard is at the discretion of the incumbent.

#### ***Interment in ground no longer open for burials***

The interment of cremated remains in a closed churchyard must be authorised by faculty. In the case of a churchyard maintained at the expense of the local authority, *in addition to a faculty* the consent of the local authority to such interment should first be obtained, and no monument may be erected to mark the place of burial without the like consent

### **Reservation of grave spaces**

A grave space may be reserved but such reservation cannot be granted by the Incumbent or by a Parochial Church Council, and is not under normal circumstances supported by them. If the Incumbent and Parochial Church Council were to support a petition, reservation could be obtained only by the grant of a faculty. The petition together with the appropriate faculty fees, must be lodged by the person applying for a faculty for this purpose with the Diocesan Registrar.