DIOCESE OF LEEDS



CHANCELLOR'S GENERAL DIRECTIONS

Issue 2
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APPENDIX II

CHURCHYARD REGULATIONS

THIS INSTRUMENT OF DELEGATION PRESCRIBES CATEGORIES OF HEADSTONE, THE INTRODUCTION OF WHICH MAY BE AUTHORISED BY PAROCHIAL CLERGY

Introduction

1. Incumbents and priests-in-charge are temporary custodians not merely of the church building but also, where there is one, of its burial ground. Responsibility for its care and maintenance rests with the PCC. Churchyards are an important feature of both rural and urban communities: an historic record of successive generations, a home for funerary monuments of architectural and aesthetic excellence, a setting for the church itself (many of which are listed buildings), and a place for reflection and prayer. Churchyards are consecrated and set apart for sacred use, and therefore different in their nature from municipal cemeteries.

The nature and legal consequences of Christian burial

2. Parishioners, those named on the electoral roll, and those dying within the parish all have a legal right of burial in the parochial burial ground. This right is not restricted to the baptised nor to members of the worshipping community. Thus the clergy are brought into direct contact with relatives of deceased parishioners in circumstances of extreme distress and often in a highly charged environment. Whilst this provides a valuable opportunity for ministry and outreach it can also create pastoral challenges.

3. It is essential that the bereaved understand the meaning and consequences of burial in consecrated ground. The nature of the rite of burial is to say 'farewell' to the deceased and to commend them to the mercy and love of God in Christ and to await the transformation of resurrection. There is accordingly a theological finality to all interments, including those of cremated remains, in ground consecrated according to the rites of the Church of England. This is inconsistent with the concept of portability of remains and the future prospect of exhumation.

4. The bereaved must understand that by seeking a burial in consecrated ground, they are submitting to the jurisdiction of the Consistory Court which regulates the type of headstone or other marker which may be erected. This jurisdiction exists for reasons which are in part theological and in part aesthetic, since what may be unobjectionable in a municipal cemetery might be considered inappropriate (or even offensive) in an historic churchyard. It is the responsibility of the clergy to bring these matters to the attention of the bereaved at the earliest opportunity, and to inform them of these Regulations, so that their decision to seek an interment in consecrated ground is fully informed. A failure to

do so, however traumatic the pastoral situation, is a dereliction of duty and may prove more damaging in the long term. Many parishes find it helpful to provide a handout containing this information which can be taken away and read by the bereaved, and the Chancellor commends this practice.

The extent of the delegated authority of parish clergy

5. It is unlawful for a headstone to be introduced into a churchyard without permission. For administrative convenience and to minimise expense, the Chancellor by this written Instrument delegates to parochial clergy the authority to permit the introduction of a monument provided it is of a type which complies with the detailed provisions which follow. During a vacancy, or in the absence of a priest-in-charge, this delegated authority is exercised by the area dean.

Guidance on the operation of these Regulations

6. Applications for memorials should generally not be made until six months have passed since the interment. Not merely does this allow the ground to settle, but the passage of time permits a more reflective decision to be made than is often the case in the naturally emotional state of the early stages of grief. All close family members need to be consulted and a consensus achieved. Parochial clergy can offer help at this time in making suggestions to the bereaved of the types of memorial which might be introduced by reference to photographs or by pointing out examples in the churchyard itself. If this conversation precedes a visit to the stonemason it should avoid the difficulty and disappointment engendered by the selection of an inappropriate design from a catalogue. The Archdeacon can provide templates of leaflets which some parishes have found helpful to provide to the bereaved. Although the grave itself is the property of the incumbent, any memorial will belong to the person who paid for its erection (during his or her lifetime) and thereafter the heir-at-law of the person commemorated and that person carries the duty to maintain it and the legal liability for its safety.

7. A headstone is a public statement about the person who is being commemorated. Making the right choice of stone, design and inscription is important not only to the relatives or friends who are going to provide the memorial, but also to the wider community because of the effect which the headstone may have upon the appearance of the churchyard. Attractive, well conceived designs by skilled and imaginative craftsmen should be encouraged. In the search for a wider range of designs than those usually seen, reference should be made to the *Churchyards Handbook*, the booklet *Memorials by Artists* and other resources which can be made available by the DAC. Sculpture or other statuary is not discouraged but must be authorised by faculty.

8. Also to be encouraged are inscriptions which give a flavour of the life of the person commemorated rather than blandly recording a name and dates. Epitaphs

should honour the dead, comfort the living and inform posterity. They will be read long after the bereaved have themselves passed away. A memorial stone is not the right place for a statement about how members of the family feel about the deceased nor how they would address him or her were they still alive. Passages of scripture, which have a timeless quality, are to be preferred.

9. For further guidance, reference should be made to the *Chancellor's General Directions Concerning Churches and Churchyards* (Issue 2, 2018) and, in particular the following sections:

Churchyards	6.2	Graves	6.10
Exhumation	6.7	Inscriptions	6.14
Gardens of Remembrance	6.9	Reservation of grave spaces	6.18

Types of headstones which may be permitted by parish clergy

10. The incumbent has authority to permit the introduction of a headstone which complies with the following requirements.

10.1 ***Size***

Memorial plate

Height (from base)	2ft 3 ins (min) to 4ft (max)
Width	1ft 8 ins (min) to 3ft (max)
Thickness	3 ins (min)* to 6 ins (max)

*except when slate is used, in which case 1.5 ins (min) is permitted

Memorial base (if included)

Height (from ground)	3 ins (min) to 6 ins (max)
Width	2ft (min) to 3ft (max)
Depth	10 ins (min) to 1ft (max)

The base may incorporate up to 2 integral sockets for flower vases.

10.2 ***Foundation slab***

The foundation slab must be fixed flush with the ground such that a mower may freely pass over it.

10.3 ***Materials***

The following stone is permitted for a headstone, but combinations of two or more types of stone are not allowed:

Limestone
Sandstone

Slate

Granite – honed light to dark grey but NOT black, red, blue, green, white or multi-coloured

10.4 ***Appearance***

Polished stone or mirror finish is not permitted.

10.5 ***Inscriptions***

Photographs or representations of objects or motifs such as a child's toy are not permitted nor is the use of 'pet names'. Bronze or ceramic inserts are not to be used. Badges, crests or emblems may be used provided they are seemly and appropriate for the deceased. Any representation will need to be designed so that it may be accurately cut by a skilled craftsman. Masons' or carpenters' names, signs or marks may be inscribed on any monument provided their position and appearance are unobtrusive having regard to the monument as a whole. Incised lettering may be painted in gold, silver, matt white, matt black or matt grey. Plastic inserted lettering is not permitted.

10.6 ***Position***

No memorial may be erected within 3 metres of the outer wall of the church building save by authority of a faculty.

10.7 ***Fixture***

Regard must be had to health and safety concerns, and to current industry standards for the fixing of monuments safely and securely.

10.8 ***Crosses***

An incumbent may NOT consent to the introduction of a cross. Such monuments require a high standard of design. However, the incumbent may authorise the temporary introduction of a simple wooden cross no more than 12 inches in height to mark a recent burial. Such cross must be removed upon the erection of a stone memorial or after a period of 18 months, whichever be the sooner.

Prohibitions

11. For the avoidance of doubt, the following are not permitted:

i. kerbs, railings, fencing, chippings, pebbles and similar materials, and free-standing vases. These create difficulty or danger when mowing;

ii. memorials in the shape of vases, hearts, open books;

iii. memorials incorporating photographs or portraits;

iv. mementoes, windmills, toys or little animals, solar lamps or similar;

v. the use of 'pet names'

vi. artificial flowers.

Commonwealth War Graves

12. Graves of the Commonwealth War Graves Commission are marked by memorial headstones of a distinctive design and size, indicating their particular significance. The incumbent may authorise the erection of these headstones where applicable.

13. The incumbent is authorised to permit the installation of discreet signage provided by the Commonwealth War Graves Commission denoting the presence in the churchyard or burial ground of one or more Commission graves. The following conditions however must first be met:
    i. The installation of the sign has been the subject of an affirmative PCC resolution;
    ii. The sign is of a standard design previously recommended by the DAC or adapted to the requirements of a particular location on the advice of the DAC;
    iii. The dimensions and location of the sign have the consent of the Archdeacon who may seek the advice of the DAC as the circumstances require.

Important Notes

14. The Incumbent has no authority to permit the erection of a memorial which does not comply with these Regulations. Any non-compliant memorial (whether or not the incumbent has purported to give his or her authority) may be removed by order of the consistory court.

15. A faculty may be sought for the erection of a memorial which does not comply with these Regulations. Such petitions are actively encouraged. Each case will be considered on its individual merits and the views and policies of the Incumbent and PCC will be taken into account. The opinion of the DAC will also be sought.

16. Parishes may seek a faculty for bespoke Regulations for use in a particular churchyard. Such Regulations should take into account local practice, tradition and custom and the particular environmental, architectural and aesthetic considerations of the church and its setting. They are likely to be more readily enforceable if the parish has a sense of 'ownership'. The provisions of these Regulations should be incorporated unless the parish can satisfy that chancellor that it is appropriate for a faculty to be granted which sanctions a specific variation.

17. Where there is ambiguity as to whether a proposal comes within the

incumbent's delegated authority, or where the incumbent is favourably disposed to the introduction of a headstone which may be just outside its scope, an application may be made by the incumbent to the Chancellor for the delegated authority to be extended so as to permit the proposal. Such applications will be considered on their merits on a case by case basis.

THE WORSHIPFUL MARK HILL QC
Chancellor of the Diocese of Leeds January 2018

APPENDIX III

APPLICATION FOR INTRODUCTION OF A HEADSTONE INTO CHURCHYARD

This form is to be completed in duplicate.

To the Reverend .....
Rector/Vicar/Priest in Charge of the Parish of .....

1. I/We apply to you for permission to introduce into the churchyard known as ..... ……..the monument described overleaf.
2. I/We have read the Churchyard Regulations issued by the Diocesan Chancellor and believe that you have power under those Regulations to permit the introduction of the proposed monument into the churchyard.
3. I/We undertake that if you grant permission the proposed monument, when erected, will conform with the description overleaf and also to indemnify you or your successors against all costs and expenses to which you or they may be put if the monument is not so erected.
4. I/We undertake for myself/ourselves and our successors to be responsible for the maintenance and stability of the monument.

Name(s) of applicant(s).....
Relationship to deceased……
Address.....
Email.....Phone.....

Date..... Signed……..

I/We repeat paragraph 2 above and give you and your successors the same undertaking as is given by the applicant(s) in paragraph 3 above.

Date..... Signed .....

Monumental Mason

of (address) .....

For use by the Incumbent or Priest in Charge

I consent / I do not consent to the introduction of the monument described overleaf into the churchyard named above.

Date..... Signature .....

The Incumbent should keep one copy of the form and return the other to the Applicant.

Full sketch of memorial showing ground level and height above ground level, width, depth and all other material dimensions. The sketch should also show the method of stabilising, whether by a ground anchor or otherwise.

Type of stone or other material to be used

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Surface finish

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Description of any carving or decoration

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Wording of inscription

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Style, size and colour of lettering

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