

## **DIOCESE OF ROCHESTER**

### **CHURCHYARD REGULATIONS 1981**

(Issued on the direction of the Chancellor of the Diocese)

#### **1. BURIAL IN THE CHURCHYARD.**

- (a) The parishioners (including all those on the Church Electoral Roll) and others who die in the parish have a right of burial in the churchyard if there is one and if there is room.
- (b) The Incumbent may also grant permission for the burial therein of other persons at his discretion.
- (c) A grave space may be reserved by faculty but not otherwise.
- (d) Neither the reservation of a grave space, nor the exercise of the right of burial, nor the erection of a monument confers any right of ownership upon the relatives of the deceased or upon any other person in respect of any part of the churchyard. The whole churchyard is vested in the Incumbent alone, and the erection of any monument is a privilege.

#### **2. THE CHANCELLOR'S JURISDICTION AND THE INCUMBENT'S DELEGATED POWERS.**

- (a) Nothing shall be erected or placed in a churchyard or be removed therefrom and no work shall be carried out therein without a faculty granted by the Chancellor of the Diocese or, in cases where the Chancellor's authority is specifically delegated to him as set out in paragraph 3 below, the written consent of the Incumbent of the parish. (Where the benefice is vacant, such delegated authority is vested in the Priest-in-Charge, or, if none, the Rural Dean).
- (b) Every application shall be made in the first instance in writing, in duplicate, to the Incumbent using the form CR1 approved by the Chancellor and obtainable from the Diocesan Office. If the application comes within the limits set out in paragraph 3 and if the Incumbent approves, the Incumbent may give his consent to the application. If however, the application is not within his power to grant or if he does not think fit, in his discretion, to approve it, he will so inform the applicant, signifying his decision in either case on form CR1 Where indicated. In the event of the Incumbent being unable or unwilling to give his consent, the applicant may, if he wishes, petition the Chancellor for a faculty. A form of petition may be obtained from the Registrar of the Diocese, Mr Owen Carew-Jones, The Diocesan Registry, Minerva House, 5 Montague Close, London SE1 9BB (020 7593 5110). (See description of Faculty Procedure in the Diocesan Directory).
- (c) In the event of any monument, tombstone or other memorial being erected or being placed in the churchyard without the written consent of the Incumbent or a faculty granted by the Chancellor (as the case may be), those responsible may be required to remove the same and pay the costs of the legal proceedings compelling them to do so.

### 3. THE EXTENT OF THE INCUMBENT'S DELEGATED AUTHORITY.

The Chancellor of the Diocese has delegated to the Incumbent authority to permit the introduction of the following monuments which comply with the following requirements:-

#### (a) Design

- (i) Simple headstones not more than 4 ft. (1200mm) high, 3 ft. (900mm) wide and 6 ins. (150mm) thick, nor less than 2 ft. 6 ins. (750mm) high, 1 ft. 8 ins. (500mm) wide and 3 ins. (75mm) thick.

NOTE: A base forming an integral part of the design of the headstone is permitted and may, if thought appropriate, incorporate a vase for flowers, such vase being so arranged that the top of it is level with or below the surface of the base. A base shall not project more than 2 ins. (50mm) beyond the headstone in any direction, except where a vase is incorporated when the base may extend a maximum of 8 ins. (200mm) in front of the headstone. The base itself shall be securely fixed on a foundation slab (preferably of concrete) which shall be fixed flush with or just below the surface of the turf so that a mower may pass freely over it. The foundation slab shall extend beyond the base by between 3 and 5 ins. (75 to 125mm) all round.

- (ii) Crosses shall not be more than 4 ft. 6 ins. (1350mm) high, 2 ft. (600mm) wide and 4 ins. (100mm) thick. No cross shall stand on more than two steps; the step, or the lower of the two steps shall measure no more than 2 ft. (600mm) from side to side and 1 ft. (300mm) from front to back. A cross shall stand on a suitable foundation flush with or below the surface of the turf.

NOTE: An Incumbent should not readily exercise his discretion to consent to a cross, the supreme Christian symbol, for crosses have been too freely used in burial grounds in the past. He should, in any event, require a high standard of design for a monument in this form.

- (iii) Horizontal ledgers either flush with the turf or raised should not be more than 9 ins. (225mm) above a base, which should be flush with the turf and extend not less than 3 ins. (75mm) all round the ledger. Inclusive measurements shall not be more than 7 ft. (2100mm) by 3 ft. (900mm).
- (iv) As an alternative to a headstone, natural stone vases or urns measuring no more than 12 ins. x 8 ins. x 8 ins. (300 x 200 x 200mm).
- (v) No monument shall include any kerbs, railings, plain or coloured chippings, figured statuary, pictorial etchings or photographic representations, or be in the form of an open book or a heart.

(b) Materials

- (i) Monuments must be in weathering natural stone or slate, or hard wood. Care should be taken to see that stones blend with the setting of the church, churchyard and locality. Stones shall not be mirror polished nor polished beyond a good smooth finish.
- (ii) No monument shall be of red, black or dark grey granite, marble, synthetic stone or plastic.

(c) Inscriptions

- (i) The Christian and surname of the deceased should be given, with age and date (or year) of death or, of birth and death. The terms of any epitaph should be approved by the Incumbent and valuable advice is contained in chapter 8 of The Churchyards Handbook (4<sup>th</sup> ed.- ISBN 0 7151 7583 1), published by CIO Publishing, Church House, Great Smith Street, London SW1P 3NZ. Lettering, preferably incised, should not be gilded or silvered. If the Incumbent cannot accept the proposed wording of an inscription, he must so advise the applicant, who may, if he wishes, petition for a faculty.

**4. MANAGEMENT AND MAINTENANCE OF THE CHURCHYARD.**

- (a) The Parochial Church Council which is, under the Parochial Church Councils (Powers) Measure 1956, responsible for the care and maintenance of the churchyard, is encouraged to make its own rules to meet the needs of the local situation. These must be submitted to the Chancellor of the Diocese for approval and must be kept within the limits laid down in these Regulations. All existing rules will be superseded by these Regulations and should be resubmitted for approval, suitably amended if necessary. Any power exercised by the Parochial Church Council under these Regulations may be delegated by that Council to a person or persons deputed to care for the day to day upkeep and maintenance of the churchyard.
- (b) No scheme for the removal of gravestones or monuments or other alterations of the churchyard may be undertaken neither may individual stones be removed without the authority of the faculty from the Chancellor. Subject thereto, the churchyard should be kept so far as possible level and free from grave mounds so that the grass can be mown by machine. The Parochial Church Council may, at their discretion, level any mound 12 months after the latest interment in the grave.
- (c) Bulbs and small plants may be planted in the soil of a grave and plants and flowers may be placed in a removable sunken container, but unless they are kept tidy, the Parochial Church Council may treat the grave as part of the turf and mow over it.
- (d) Wreaths or cut flowers may be laid directly on any grave or placed in any vase authorised by these Regulations but the Parochial Church Council may remove them when they appear to be withered. If a built-in vase container ceases to be used for a period of 12 months or more, the Parochial Church Council may insert a stone stopper in the vase hole.

- (e) No artificial flowers may in any circumstances be placed in the churchyard, and, if they are so placed, and not removed upon request, may be removed upon instructions from the Parochial Church Council.
- (f) An area of the churchyard may be set aside for the interment of cremated remains but only by faculty which will itself contain relevant provisions regarding interment and memorials.

## **5. GENERAL.**

- (a) A copy of these Regulations and of the Memorandum from the Chancellor dated 1<sup>st</sup> May 1981 shall be kept in the vestry of every church where burial rights exist and be available for inspection. A notice issued by the Archdeacon drawing attention to these Regulations shall at all times be exhibited in the church porch or on the noticeboard.
- (b) General advice regarding the operation of these Regulations may be obtained from the Archdeacon and advice regarding any particular proposed memorial is readily available from the Diocesan Advisory Committee (The DAC Administrator, Diocesan Office, St. Nicholas Church, Boley Hill, Rochester, Kent ME1 1SL – 01634 560000).
- (c) These Regulations replace the Churchyard Regulations 1975 and are effective as from 1<sup>st</sup> September 1981. Any query regarding their interpretation should be referred to the Registrar for a determination by the Chancellor.

(DAC. Churchyards.Chan.Reg.81)  
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