

Diocese of Guildford



Churchyard Regulations 2005



Issued on the direction of the
Chancellor of the Diocese

These Regulations are issued by the Chancellor of the Diocese after consultation with the Bishop of Guildford, the Archdeacons and the Diocesan Advisory Committee (DAC). Any query should be referred to the Diocesan Registrar. The addresses of the Registrar and the Secretary of the DAC can be found below.

The Regulations apply generally to all churchyards in the Diocese of Guildford unless the Chancellor has, at the request of the Incumbent and the Parochial Church Council (PCC), agreed a special Scheme to meet particular local circumstances. The Regulations replace the Churchyard Regulations 1981 and come into force on January 1st 2005.

A copy of these Regulations shall be kept in the vestry of every church where burial rights exist or there is an area set aside by Faculty for the interment of cremated remains, and be available for inspection. A notice issued by the Registrar drawing attention to these Regulations shall at all times be displayed in the church porch or on the notice board.

References

Further Reading

The Churchyards Handbook (4th Ed) published in 2001 by Church House Publishing, Church House, Great Smith Street, London SW1P 3NZ.

The Association of Burial Authorities / Zurich Municipal Guide to Safety in Burial Grounds.

Useful Addresses

The Secretary, Diocesan Advisory Committee,
Diocesan House, Quarry Street, Guildford, Surrey GU1 3XG.
Tel. 01483 790313; Fax. 01483 790333.
e-mail. wendy.harris@cofeguildford.org.uk

The Registrar, The Bishop of Guildford's Registry,
1 The Sanctuary, Westminster, London SW1P 3JT.
Tel. 020 7222 5381; Fax. 020 7222 7502.
e-mail. guildford.registry@1thesanctuary.com

D Division, The Home Office,
50 Queen Anne's Gate, London, SW1H 9AT.
Tel. 020 7273 2807.

The Arboricultural Association (maintains a Directory of Consultants)
Ampfield House, Ampfield, ROMSEY S051 9AP, Tel. 01794 368717.

Arboricultural advice can also be obtained from the Royal Horticultural Society at Wisley (Tel. 01483 224234) and from Merrist Wood College of Agriculture and Horticulture (Tel. 01483 884000).

The photograph on the front cover is of St Bartholomew's Churchyard, Haslemere

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1 Introduction

- 1.1 The purpose of these regulations is to
- Summarise the relevant law relating to churchyards
 - Provide a framework of rules so that the beauty of our churchyard heritage is maintained
 - Give practical guidance for Health & Safety as well as Maintenance issues

The churchyard is the setting for the Parish Church and it needs to be a place where people can be quiet, remember and pray, without the distraction of things that are unsightly or inappropriate.

- 1.2 Because this document contains rules it is difficult to make it reader-friendly. It also contains rules for matters which seldom concern the bereaved (for example Exhumations, Trees in Churchyards). What is needed therefore is a 'Extract from the Regulations' which is
- Relevant to the bereaved
 - Particular to the parish

PCCs can help their Incumbents (who have at times a very delicate pastoral duty to discharge in discussing with bereaved relatives the appropriate type of memorial) by creating their own 'Extract'. A model 'Extract' is included as Appendix D.

- 1.3 The word 'Incumbent' is used in these regulations to refer to the vicar, rector, priest-in-charge, team vicar or, in the case of an interregnum, the rural dean. It does not include the curate who does not have the Incumbent's delegated authority.

2 Burials

2.1 Rights of burial

- 2.1.1 Parishioners (including all those on the Church Electoral Roll), and others who die in the parish, have a right to burial in the churchyard if there is still space available and if the churchyard has not been closed by Order in Council. This right applies to both bodies and cremated remains ('ashes'), (see section 3 below)
- 2.1.2 Permission for others to be buried may be granted by the Incumbent, who must have regard to any general guidance given by the Parochial Church Council (PCC).
- 2.1.3 If the churchyard or burial ground has been Closed by Order in Council, no burial of bodies may take place (unless the Order makes exceptions, e.g. for the burial of family members). Different rules apply to the burial of ashes (see section 3 below).

- 2.1.4 The Incumbent is responsible for deciding where in the churchyard burials will take place. It is usually possible to reserve a particular grave space by means of a Faculty (see section 2.3 below) if there is a good reason for so doing.
- 2.1.5 The reservation of a grave space, the exercise of a right of burial and the erection of a memorial do not alter the ownership of any part of the churchyard, which remains the legal property of the Incumbent. Any fee paid in connection with the use of the churchyard is solely for services rendered or in return for permission granted. It is not possible to 'buy' a space under any circumstances.
- 2.1.6 All burials must be recorded in the Burial Register.
- 2.2 Graves and memorials
- 2.2.1 Incumbents have discretion to authorise the erection of any headstone which falls within the types and classes authorised in Appendix A (Memorials in Churchyards). They may refuse to permit the erection of an authorised headstone if they believe it would be detrimental to the churchyard. However they have no discretion to allow the erection of a headstone that falls outside those authorised.
- 2.2.2 No memorial should be erected within six months of a burial (the Incumbent may increase this minimum to 12 months depending on the type of soil in the churchyard).
- 2.2.3 If a family (or executor) wishes to erect a memorial which falls within the Incumbent's discretion they should apply on form CR1 (available from the stonemason or Incumbent). Permission is always required and no work should be ordered or put in hand until permission has been granted.
- 2.2.4 If a family (or executor) wishes to erect a memorial which falls outside the Incumbent's discretion they may apply for a Faculty giving the grounds for their request. The Incumbent will advise them how to approach the DAC.
- 2.2.5 Graves should normally be on a 9ft (2700mm) by 4ft (1200mm) grid unless ground conditions dictate otherwise. No grave or memorial should be placed within 4 ft (1200mm) of the church so as to facilitate access and help reduce damage during maintenance and repair of the building.
- 2.2.6 Local Authorities have regulations regarding the minimum depth of a grave. Generally the depth must be not less than 750 mm (30 ins) above the coffin.

2.2.7 In the event of any memorial being erected or placed in the churchyard without the written consent of the Incumbent or a Faculty granted by the Chancellor, those responsible may be required to remove the same and pay the costs (including the costs of any legal proceedings compelling them to do so).

2.3 Reserving a grave space

2.3.1 It is sometimes desired to reserve a grave space in a particular location. The only way this can be done is by Faculty. Informal arrangements such as promises or understandings have no legal force and may lead to disappointment and distress. A Faculty is the only guarantee. Special application forms are available from the Diocesan Registry.

2.3.2 Once the Faculty has been granted, the site of the grave space in the Churchyard shall be marked so that it can be located at the time when it will be required for use. The responsibility for such marking rests with the person to whom the Faculty is granted (the 'petitioner'). The petitioner shall discuss the method of marking with the Incumbent and agree it with him/her and then carry out the marking. Marking must take place within three months of the grant of the Faculty. The petitioner will be responsible for ensuring that the marker remains adequate for its purpose. It is not the responsibility of the Incumbent, Churchwardens or PCC.

2.3.3 The following method of marking must be used unless, upon written application to him, the Chancellor directs otherwise:

- A durable wooden or metal stake placed at the head of the grave space, marked with the initials of the person to be buried, followed by the year of reservation in brackets; e.g. "A.B.C. (99)"

2.3.4 The marking of a grave space in this way will be a condition of any Faculty granted for the reservation of a grave space. A copy of the Faculty will be sent by the Registrar to the Incumbent of the Parish. It must be kept with the Churchyard Plan. The position of the grave should be marked on the Churchyard Plan and identified by name and the date of the Faculty. The responsibility for this rests with the Incumbent and Churchwardens.

2.3.5 No markers may be placed until the granting of a Faculty and any markers so placed should be removed.

2.4 Exhumations

2.4.1 No human remains (including cremated remains) may be moved ('exhumed') without a Faculty and sometimes a Home Office Licence.

2.4.2 The process of obtaining a Faculty to permit an exhumation, which can only be granted in exceptional circumstances, is often lengthy and complex. Anyone contemplating applying for such a Faculty must contact the Diocesan Registrar.

3 Cremated Remains

3.1 Interment of Cremated Remains

3.1.1 Parishioners (including all those on the Church Electoral Roll) and others who die in the parish, have a right to the burial of their cremated remains ('ashes') in a churchyard and the remains of non-parishioners can be also be buried there if the Incumbent consents. Where possible Incumbents should ensure that cremated remains are buried in an area set aside by Faculty for that purpose (often called a 'Garden of Remembrance') or in a family grave.

3.1.2 If a churchyard has been closed for burials by Order in Council, the burial of cremated remains may continue in an area set aside for that purpose by Faculty. Following closure, a Faculty can still be granted (a) setting aside a new area for cremated remains or (b) for the burial of cremated remains in an individual plot e.g. a family grave. It is normally possible to allow for the burial of ashes to continue as part of the closure Order.

3.1.3 Cremated remains disposed of in a churchyard should normally be buried without their container. At the discretion of the Incumbent, such remains may be reverently strewed or may be buried in a casket or urn (but it must be made of a biodegradable material).

3.1.4 Once cremated remains have been interred they may not be disturbed without Faculty. This restriction should be borne in mind when cremated remains are interred in an existing grave if it is expected to be used for further burials.

3.1.5 The PCC may apply for a Faculty so that an area where ashes are interred may be used for the interment of other ashes after 50 years. The PCC should always make reasonable attempts to enquire from members of the family of the deceased whether they object to its re-use. Should such objection be made, then re-use will be deferred for a further period of 25 years.

3.1.6 A Faculty is always required before cremated remains may be deposited in a church. Such a Faculty will only be granted in exceptional circumstances.

3.1.7 All interments of cremated remains must be recorded in the Burial Register.

3.2 Gardens of Remembrance

3.2.1 It is good practice to set aside, by Faculty, plots which may be dedicated for the exclusive burial of ashes. The form of such Gardens of Remembrance depends very much on individual circumstances and calls for vision and sensitivity. The PCC should seek assistance in the creation of a suitable design. The design should envisage the interment of no more than 50 cremated remains before the design should be re-considered.

When applying for a Faculty, the parish are encouraged to consider a flexibility of approach, paying specific attention to the particular circumstances of the location and the amount of space that is available. The DAC has experience of such projects and should be consulted at an early stage in the design.

3.2.2 A Garden of Remembrance should not be immediately adjacent to the church, churchyard wall or other building, so that it is not disturbed by necessary repairs or maintenance.

3.2.3 Often the Garden of Remembrance is designed as a tranquil space with no permanent markers because the burials are recorded in a Book of Remembrance. Sometimes there is, however, a pastoral need for some more tangible marking. The DAC is willing to give advice on ways this need might be achieved.

3.2.4 Every parish, if it has not already done so, will need to draft regulations for a Garden of Remembrance and to obtain a Faculty for its use. Model Regulations for a Garden of Remembrance are in Appendix B.

4 Management of the Churchyard

4.1 Maintenance

4.1.1 Under the Parochial Church Councils (Powers) Measure 1956, the duty to care for and maintain the churchyard is laid upon the PCC, which has all the powers necessary for that purpose. The following rules are appropriate for the proper exercise of those powers but may be varied, by agreement with the Chancellor, to meet the needs of the local situation.

- a) The surface of the churchyard shall be kept, as far as possible, level and free from mounds. The PCC may at its discretion level the ground at any time more than twelve months after the latest interment in the grave.
- b) Bulbs and small annual plants may be planted in the soil of a grave being within the area previously excavated. Plants or flowers may be placed in a removable sunken container, but unless they are kept tidy, the PCC may treat the grave as part of the turf and mow over it.
- c) Wreaths or cut flowers may be laid directly on any grave or placed in any vase authorised by these Regulations. If a built-in vase ceases to be used for a period of twelve months or more, the PCC may insert a matching stone stopper in the vase hole.

- d) Artificial flowers of good quality may be placed on a grave at the discretion of the Incumbent & PCC.
- e) Both natural and artificial flowers will deteriorate after periods of time. The PCC may remove flowers and wreaths of whatever kind at their discretion if they judge them to be unsightly and all artificial flowers after two months.

Any power exercisable by the PCC under section 4 of these Regulations may be delegated (by the PCC) to a person or persons deputed to care for the day to day upkeep and maintenance of the churchyard.

4.1.2 Where a churchyard has been closed by Order in Council, the PCC may request the local authority to take on the responsibility for its maintenance (Local Government Act 1972 section 215). Careful thought should be given before such a request is made, since the PCC then loses control.

4.1.3 Whether the maintenance of a closed churchyard is undertaken by the PCC or the local authority, it remains the property of the Incumbent and also subject to Faculty jurisdiction. A Faculty is still needed for all works which would require a Faculty in an open churchyard.

4.2 Health and Safety

4.2.1 The PCC together with the Incumbent are occupiers of the Churchyard for the purposes of the Occupiers' Liability Acts 1957-1984. These Acts place upon the occupiers a duty of care to see that the visitor in the churchyard will be reasonably safe. Therefore there is a duty to ensure, particularly but not exclusively, that walls, trees and memorials are regularly inspected and the PCC should take reasonable steps to reduce or minimise foreseeable risk. Such an inspection should typically form part of the Quinquennial Inspection and should also be carried out following exceptional weather conditions. Where the churchyard is closed and responsibility for maintenance has been passed to the local authority, the local authority is also an occupier, but not to the exclusion of the Incumbent and PCC.

4.2.2 The person who erects a memorial is responsible for seeing it is kept safe and in proper repair. However, when such person moves or dies, it is often not possible to trace them or to locate the heirs to enforce repairs or recover the cost. The burden of maintenance in effort and cost thus often falls on the PCC. Should it come to the attention of the PCC that any memorial may be unsafe, it should be roped off immediately. Where the family can be traced, they should be contacted as responsibility for its maintenance rests with them. Where those responsible for the maintenance of the memorial cannot be traced, the PCC must, by default, take appropriate action.

If they have any doubt about the safety of a memorial they should seek professional advice and should contact the Archdeacon. A Faculty may be required if major repairs are necessary. Memorials of particular distinction may be separately listed.

4.3 Trees in Churchyards

4.3.1 The Regulations as to the care of trees in churchyards appear in Appendix C.

4.4 Recording the Churchyard

4.4.1 Incumbents and Churchwardens are responsible for ensuring that the Churchyard Plan and related faculties are kept securely in the church or elsewhere, a note being kept as to where they may be found. During a vacancy in the living, it is the responsibility of the Churchwardens to ensure that any Priest-in-Charge or other clergy person responsible for burials is kept fully informed about the Churchyard Plan. Unless this course is followed, a burial could take place in a grave space which had been reserved for someone else resulting in unnecessary distress.

4.4.2 If there is no Churchyard Plan or the existing Plan is not up-to-date the PCC must take steps to create an up-to-date plan. It should record the location of the church in the churchyard, the location of all trees, bushes, hedges and fences as well as the location of all memorials. The DAC is willing to give advice as to the preparation of such a plan.

4.4.3 All parishes should maintain a record of all memorials in the Churchyard including the inscriptions and the names and addresses both of the persons who caused the memorial to be erected and the mason who carried out the work. This will help the PCC both to locate the appropriate person should repairs to the memorial be required and to assist those carrying out family or other research. The DAC is willing to give advice as to the preparation of such a record.

4.5 Alterations

4.5.1 The PCC will wish, from time to time (and typically to coincide with the Quinquennial Inspection), to review the churchyard to see what alterations are desirable. Such a review may encompass Health & Safety, disabled access, the condition of the existing fabric, lighting, tree planning and landscaping. A Faculty is always required before any alteration can be made in a churchyard or burial ground, (other than burials and interments, the erection of memorials as provided in these Regulations and routine maintenance).

4.6 Closure of a Churchyard

- 4.6.1 Where a churchyard becomes full of burials and there is no further useable space, the Incumbent and PCC may seek to have it closed. Closure of a churchyard for further burials can only be ordered by Her Majesty in Council. Application should be made in the first instance to D Division of the Home Office. The fact that closure is irreversible should be borne in mind, as well as the fact that closure imposes significant limits on the future use of the land, for example for any form of building. The Registrar should be consulted before any action is taken.
- 4.6.2 Alternatively the Incumbent and PCC may prefer to adopt a policy for the reuse of graves where burials took place at least, say, 75 years ago. This is to be encouraged in view of the increasing shortage of land for burials but requires very careful and sensitive treatment. It will probably involve a Faculty as memorials may have to be moved. Advice should be sought from the Registrar as to the legal position and the Secretary of the DAC as to the manner in which it should be carried out.

APPENDIX A Memorials in Churchyards

An appropriate variety of design is encouraged in choosing memorials. Relatives should take the surroundings of the grave and churchyard into account. A suitable choice can often be made from the range of memorials offered by some masons, but individually designed memorials are encouraged. In order to ensure quality and suitability of material and design, memorials which are outside the range of simple designs commonly found in churchyards, whilst not necessarily discouraged, must be authorised by Faculty. The Faculty process will be explained by the Incumbent or you can speak to the Secretary of the Diocesan Advisory Committee on 01483 790313

Incumbents may authorise the erection of memorials which comply with the following provisions provided the Inscription is acceptable to them.

1 Materials

- 1.1 Memorials must be of weathering natural stone or slate, or hardwood, so that they harmonise with the surroundings. Stones traditionally used in local buildings or closely similar to them in colour and texture are to be preferred. The stone (including the lettering surface) shall not be finished with a polished or reflecting surface. It may not be black, dark grey or red, and no memorials or vases shall be of synthetic stone or plastic.

2 Design

- 2.1 Memorials may comprise a simple headstone, cross, stone vase or urn. A stone wedge or a stone book may also be appropriate for the churchyard but will require a faculty.
- A headstone may have maximum dimensions of 1200mm high above ground level, 900mm wide, 150mm thick (4ft x 3ft x 6ins).
 - A cross may have a maximum height of 1500mm above ground level, 900 mm wide and 150 mm thick (5ft x 3ft x 6 ins). The permitted design requires the cross to be made from a single piece of stone whose width in the earth is at least equal to the width of the cross.
 - A stone vase or urn may have maximum dimensions of 300mm in height by 200mm by 200mm (12ins x 8ins x 8ins).
- 2.2 The Incumbent may specify a minimum size, in the regulations given to the bereaved, for all memorials (consistent with other memorials in the churchyard). A typical minimum size would be 350 mm high, 500 mm wide and 50 mm thick (and usually smaller for a child).
- 2.3 All headstones and crosses must be securely fixed in the ground and due regard must be paid to the nature of the ground and the risk of settlement. Masons/funeral directors are strongly encouraged to have regard to the Guidelines issued by the Association of Burial Authorities. The PCC may decide to lay flat any memorial which, in its opinion, is unsafe.

- 2.4 A headstone or cross may stand on a base provided that it is an integral part of the design and firmly fixed to it with non-ferrous dowels. The base may project no more than 100 mm (4ins) beyond the headstone in any direction, except where a receptacle for flowers is provided, in which case this must be flush with the top of the base and may extend up to 200 mm (8ins) in front of the headstone. The base must be securely fixed on a foundation slab which is flush with or below the ground so that a mower may pass freely over it. The foundation stone must extend from 75 mm (3ins) to 150 mm (6ins) all round the base.

3 Exclusions

- 3.1 There are many practical reasons (e.g. maintenance, appearance) why horizontal ledgers, raised kerbs, railings and stone or other chippings are no longer normally permitted as part of memorials. Similarly, memorials in the shape of a statue or bird bath, or including any image of the deceased or any photograph or coloured drawing are specifically excluded from the delegated authority given to the Incumbent.

4 Memorials over Cremated Remains

- 4.1 Where cremated remains have been interred in a Garden of Remembrance then any memorial must follow the terms of the Faculty creating the Garden.
- 4.2 Where cremated remains have been interred in an existing grave, an inscription should be added to an existing memorial wherever possible. If there is insufficient space, an additional stone not exceeding 500mm (1ft 8ins) square may, with the consent of the Incumbent, be laid flush with the turf in front of the existing memorial. The stone should match the existing memorial and may incorporate a vase for flowers provided that the top of it is level with or below the surface of the stone. Any other memorial will require a Faculty. A fee is payable for an additional inscription or stone.
- 4.3 For good reason, an Incumbent may agree to the interment of cremated remains in any other part of the Churchyard (provided it is not closed). Any memorial over such a burial must fall within the Incumbent's delegated authority or be authorised by Faculty.

5 Inscriptions

- 5.1 Inscriptions must be simple and reverent and appropriate to a churchyard. The Christian and surnames of the deceased should be given, with the dates of birth and death (or age and date of death). Relations named should normally be limited to parents, children and spouse or partner. Quotations compatible with the Christian faith are permitted. The terms of any epitaph must be agreed with the Incumbent as part of the necessary permission.

- 5.2 Lettering should normally be incised and may be leaded, but plastic or other inserted lettering is not permitted. Incised lettering may also be painted in black or white, as appropriate for the colour of stone. It should be noted that paint may become illegible in a relatively short period, and may require re-painting.
- 5.3 No advertisement or trademark shall be inscribed on any memorial but the name of the mason may be inscribed low down on the side or reverse of the stone in unpainted and unleaded letters no larger than 13mm (½ in) in height.

APPENDIX B

Model Regulations for a Garden of Remembrance In the parish of XXXXXX

*PCCs will wish to adapt this model to suit their church and any Faculty already granted
(e.g. for Memorials other than those provided for below)*

1 Rights of Interment

- 1.1 A parishioner has a right to the burial of his/her cremated remains ('ashes') in a churchyard and the remains of non-parishioners can be also be buried there if the Incumbent consents. *[The PCC should replace the word Incumbent by Vicar or Rector as required for all occurrences]*
- 1.2 Applications for the interment of ashes must be made to the Incumbent, who will decide the place of interment.
- 1.3 The names of those whose ashes are interred, together with a record of where they are interred, will be recorded in the Burial Register to be kept in the Church safe.
- 1.4 A memorial 'Book of Remembrance' will be kept in the Church in which entries may be made, subject to the approval of the Incumbent, by a calligrapher approved by the Incumbent.

2 Garden of Remembrance

- 2.1 Cremated remains may be interred in a family grave but otherwise will be buried in the Garden of Remembrance.
- 2.2 The ashes should normally be buried without their container. (At the discretion of the Incumbent, such remains may be scattered or may be buried in a casket or urn, provided it is made of a biodegradable material).

3 Memorials

- 3.1 *[The PCC should choose either]* Our Garden of Remembrance is designed as a tranquil space with no permanent markers because the burials are recorded in the Book of Remembrance

[or] No marker may be placed on the burial plot but permission can be sought from the Incumbent to erect a plaque on the Memorial Wall. The Incumbent's approval is required for the wording, design, dimensions and materials. The PCC secretary will provide a form of application. *[The exact wording here will depend on the Faculty approval given to the PCC]*

[or] *[Where a Faculty has been granted for the burial plot to be marked by a tablet]* Permission can be sought from the Incumbent to place a tablet, subject to the Incumbent's approval of the wording, design, dimensions and materials

- 3.2 Flowers, or good quality artificial flowers, may be placed at the foot of the Memorial Wall but not on the burial plot. Both natural and artificial flowers will deteriorate after periods of time. The PCC may remove flowers of whatever kind and wreaths at their discretion if they judge them to be unsightly and all artificial flowers after two months.
- 3.3 The fees for the interment of ashes are contained in the current Parochial Fees Order. Those for inscriptions in the Book of Remembrance shall be fixed by the PCC.

APPENDIX C

Trees in Churchyards

1 GENERAL

Every PCC has the responsibility for properly caring for the trees within its churchyard or churchyards, whether open or closed to the public. The responsibility covers all aspects, including planting, routine maintenance, lopping, topping and felling. Even if a churchyard is maintained by the local authority, the PCC is not absolved from its primary legal responsibility.

2 EXPERT ADVICE

- 2.1 Assessing the safety of trees and planning future planting programmes requires expert skills. Every PCC, therefore, should be prepared to seek and follow expert advice concerning the trees and large shrubs within its churchyard or churchyards.
- 2.2 Many local authorities employ an arboricultural officer, who may well be prepared to give advice with regard to the safety of a tree within a churchyard, and what, if any, maintenance or remedial work is necessary. Alternatively, advice can be obtained from an experienced arboricultural consultant. The DAC can assist with regard to names.
- 2.3 The prior consent of the Archdeacon is required for all actions (planting, lopping, topping, felling) as explained below. The purpose is to ensure proper advice has been sought.

3 INSPECTION

- 3.1 There should be a regular inspection of all mature trees in a churchyard approximately every five years. This inspection should normally be part of the Quinquennial Inspection and the urgency of any work should be categorised. The Tree Report can be annexed to the Quinquennial Report and is obligatory in the case of a tree subject to a Tree Preservation Order (TPO) (Schedule 3, Para. 3 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991). If the Quinquennial Tree Report is undertaken by the architect or surveyor inspecting the church, any concern which he or she expresses with regard to the safety of any particular tree or trees should be referred to an expert.
- 3.2 If any report reveals the need for emergency works, the PCC must obtain the consent of the Archdeacon. If the Report reveals the need for major work, but of a non-urgent nature, the PCC should seek advice from the DAC about the need for a Faculty.

4 PLANTING

- 4.1 In general seek expert advice before deciding to plant any tree in any particular part of a churchyard. The growth and spread of a tree must be considered as well as the fall of leaves in gutters and the likely impact of the root system on foundations and archaeological remains.
- 4.2 Before any tree or substantial shrub is planted in a churchyard the PCC must obtain the consent of the Archdeacon. Where a major scheme of planting is proposed, the PCC must seek the advice of the DAC and obtain a Faculty for the scheme.

5 LOPPING AND TOPPING

- 5.1 All trees are capable of shedding deadwood, particularly beech, ash and sycamore. Standard remedial work, such as the removal of dead, split or hanging branches, and minor pruning with secateurs, can be undertaken without reference to the Archdeacon. More serious surgery, such as cable bracing, crown reduction or the removal of main, but live trunks, or branches, however, calls for expert advice and also needs the consent of the Archdeacon who in his discretion may refer the matter to the DAC. When major tree surgery is contemplated obtain a written report from an expert and submit it to the Archdeacon.
- 5.2 No substantial work should be entrusted to volunteers, however willing. Such work is not normally covered by church insurance policies. It is vital to ensure that any contractor is adequately insured against public liability, including third party injury, loss or damage.
- 5.3 If a tree is subject to a TPO or is in a Conservation Area, see paragraph 7 below.

6 FELLING

- 6.1 Where the PCC is advised by an expert that a tree or trees should be felled for safety reasons or otherwise because of disease, the consent of the Archdeacon must be obtained before felling commences. Except in cases of extreme urgency when an oral Report will suffice, a written Report must be submitted to the Archdeacon for his consideration. A photograph of the tree or trees in question should be submitted with the Report. A copy of the Report and the photograph should be retained with the PCC records. Where time permits, a PCC Resolution is advisable to demonstrate that the matter has been properly considered.
- 6.2 Where the PCC wishes to fell a tree which is sound but is occupying a space in the churchyard required for some other use, a Faculty is required. This rule does not apply to self-seeded saplings which may be removed by the PCC without the need for a Faculty or reference to the Archdeacon.

- 6.3 The principles set out above apply equally to hedges in, or bordering churchyards. Where the PCC wishes to remove a substantial churchyard shrub, whether by reason of disease or otherwise, the prior consent of the Archdeacon must be obtained.

7 TREE PRESERVATION ORDERS

Where any tree is subject to a TPO or is in a Conservation Area, the consent of the local planning authority must, in general be obtained before any lopping, topping or felling. Small trees with a diameter less than 7.5 cm (circumference of 24 cm), measured at 1.5m above ground, are exempt; nor is the consent needed when the tree is dead, dying or dangerous (Section 198 (6) (a) of the Town and Country Planning Act 1990). The local planning authority consent is in addition to the Archdeacon's consent or Faculty.

8 SALE OF TIMBER

Where a tree in a churchyard is felled, topped or lopped, the PCC may sell the timber or dispose of it in some other way. The PCC should apply the proceeds to the maintenance of any church or churchyard which it is liable to maintain, (Section 6 (2) of the 1991 Measure).

9 FACULTIES

If a Faculty is required for works in connection with trees it must be applied for on Form 16 (Faculty Jurisdiction Rules 2000) available from the DAC Secretary.

APPENDIX D

Model Extract from Diocesan Churchyard Regulations for the Bereaved as they apply to XXXXX parish

Note: PCCs are expected to adapt this model to fit their church (or churches) and to attach Appendices A and B, again adapted (the DAC Secretary can email you a copy). There will thus be a simpler document which can be given to the bereaved. The document should be sent to the Registrar for checking prior to being adopted by the PCC.

1 Introduction

This extract from the Churchyard Regulations gives guidance on the procedure for burials and the interment of cremated remains within the churchyard. The full set of Diocesan Churchyard Regulations is available from the Incumbent. *[The PCC should replace Incumbent by Vicar or Rector as appropriate every time it appears]*

Our churchyards are places of great beauty and historical value. The Regulations are designed to maintain and enhance these values with a minimum of bureaucracy. There are also practical reasons for some of the rules to allow for ease of maintenance. The family of the deceased bear the cost of any memorials and of maintaining them but they do not own the grave space and the Parochial Church Council (PCC) has the task of keeping the churchyard in good order.

2 Burials

2.1 *[Closed Churchyards]*

Our churchyard has been closed for burials by Order in Council. The Incumbent can advise if there are any exceptions to this Order.

[Open Churchyards]

Parishioners (including all those on the Church Electoral Roll), and others who die in the parish, have a right to burial in the churchyard if there is still space available. Permission for the burial of other persons may be granted by the Incumbent. The Incumbent will decide where a burial will take place but will endeavour to respect the family's wishes. There is a special procedure if you wish to reserve a particular grave space.

3 Memorials

3.1 Incumbents have discretion to authorise the erection of any headstone which falls within the types and classes authorised in Appendix A (Memorials in Churchyards). They may refuse to permit the erection of an authorised headstone if they believe it would be detrimental to the churchyard. However they have no discretion to allow the erection of a headstone that falls outside those authorised. *[If the PCC has agreed a special scheme with the Chancellor for all or part of the churchyard, then include reference to it here and attach it to the Extract.]*

3.2 If individuals wish to erect a memorial which falls within the Incumbent's discretion they should apply on form CR1 (available from the stonemason or Incumbent). Permission is always required and no work should be ordered or put in hand until permission has been granted. If individuals wish to erect a memorial which falls outside the Incumbent's discretion they may apply for a Faculty giving the grounds for their request. The Incumbent will advise them how to approach the Diocesan Advisory Committee (DAC) before seeking a Faculty.

3.3 Bulbs and small annual plants may be planted in the soil of a grave being within the area previously excavated. Plants or flowers may be placed in a removable sunken container, but unless they are kept tidy, the PCC may treat the grave as part of the turf and mow over it. Wreaths or cut flowers may be laid directly on any grave or placed in any vase authorised by these Regulations. If a built-in vase ceases to be used for a period of twelve months or more, the PCC may insert a matching stone stopper in the vase hole.

Artificial flowers of good quality may be placed on a grave, but both natural and artificial flowers will deteriorate after periods of time. The PCC may remove flowers of whatever kind and wreaths at their discretion if they judge them to be unsightly and all artificial flowers after two months.

4 Cremated Remains

4.1 A Garden of Remembrance has been set aside in the churchyard for Cremated Remains. *[The PCC to reword as appropriate]*

4.2 A copy of the Regulations as they apply to our parish are attached as Appendix B.

5 Approval

5.1 This extract from Diocesan Churchyard Regulations has been approved by the Diocesan Registry and came into force on *date*.