

DIOCESE OF GLOUCESTER



ST LEONARDS CHURCHYARD REGULATIONS

The Diocese has a large number of beautiful churchyards. It is very important to preserve their beauty, which easily can be spoilt by the introduction of memorials of inappropriate material or design. Time should be taken by all those wishing to erect a memorial for consideration of what would be suitable.

From the legal point of view, the introduction of memorials into churchyards is authorised by the Diocesan Chancellor. The Chancellor has delegated certain powers to parish priests, who must apply these Regulations.

The purpose of these Directions is to make it clear in what circumstances a parish priest can permit a memorial. Some guidance is also given regarding a Faculty Application in cases where the parish priest does not have the power to authorise the memorial desired by the next of kin of the deceased person. It should be noted that memorials should normally only be applied for by the next of kin, or with his, her or their consent. Care should be taken to ensure that this is complied with.

The Introduction of Memorials into Churchyards

It is very important to note that no one has the right to erect a memorial on a grave in a churchyard without permission. It is essential to obtain permission before any order is given to a Monumental Mason or Funeral Director. Permission is given either in the form of a signed approval by the parish priest or by way of a Faculty granted by the Chancellor. The parish priest can only permit memorials within the scope of these Directions.

Certain types of memorial are not permitted, either because they are felt to be inappropriate in appearance, or out of keeping in a Christian burial place, or because they are difficult to maintain, or a combination of these reasons.

Sometimes there will be existing examples in a churchyard of a type of memorial which is no longer permitted. This is not of itself a reason for granting permission for further examples.

Contractors, including Funeral Directors and Stone Masons, are reminded that before undertaking any work in a churchyard they should verify that permission has been granted. If work is done without 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.

Who is involved?

It may be helpful to explain the role of the people or organisations who might be involved in granting permission for a memorial.

The Chancellor 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 which fall outside the scope of the limited powers devolved to parish priests.

The Chancellor is advised by a Committee known as the Diocesan Advisory Committee on the Care of Churches - in brief, the DAC.

The legal process in relation to Faculties is co-ordinated by the Diocesan Registrar who runs the Diocesan Registry.

The parish priest may be known as Vicar', 'Rector' or 'Priest-in-Charge'. He or she is able to take routine decisions affecting the churchyard, including the approval of memorials within the limits set out in these Directions.

When there is no parish priest, for example during vacancies, decisions about burials and memorials will be taken by the Rural Dean who will be another parish priest in the area.

Each parish has a Parochial Church Council (PCC) which is responsible for maintaining the churchyard, and may need to give its approval to certain decisions.

What the Parish Priest can permit

Provided that he or she is happy with the proposed inscription, the parish priest is able to grant permission for

- a) simple upright grave markers provided that they fall within the range and size and material described below,
- b) sloping 'pen-book' memorials, provided that they fall within the range of size and material described below,
- c) wooden crosses provided that they do not exceed the dimensions described below,
- d) additional inscriptions on existing memorials,
- e) in respect of burial of cremated remains within the Garden of Remembrance, names are only allowed to be added to the stone tablets using the standard size of inscription. Fees for this service can be discussed with the Parish Priest. No additional memorial is permitted within the Garden of Remembrance.
- f) in respect of burial of cremated remains within an existing grave, simple flush horizontal markers

Parish Priest's permission: Size, Shape, Lettering, Decoration and Material

Size

The parish priest may approve grave markers up to the following dimensions above ground:

Height 4' 0" (1200 mm)

Width 3'0" (900mm)

Thickness 6" (150 mm)

These measurements are not intended to define standard proportions of memorials, which may be of any dimensions within the given limits.

Shape

The parish priest may only approve grave markers as set out in a) to f) above.

The parish priest is not allowed to permit any other form of memorial, including horizontal ledger slabs, crosses other than wooden, kerbs, chippings, or sculpture.

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.

Lettering

On any memorial permitted by the parish priest, the lettering may be incised or in relief, and may be infilled in a colour. Lead infilled lettering is permitted, but no other form of applied lettering.

Care should be taken in selecting the wording, and advice sought from the incumbent. An imaginative approach to the epitaph is encouraged but excessive sentimentality is to be avoided.

The mason's name or mark may be inscribed on the side or on the reverse in letters no larger than V-2 inch (13 mm) in height. No other advertisement or trade marks may be inscribed on or fixed to a memorial.

Decoration

The parish priest may permit appropriate Christian or other symbols, for example depictions of items connected with the profession or leisure interest of the person commemorated.

The parish priest is **NOT** allowed to permit photographs or ceramic portraits or any other form of depiction of the person commemorated.

Materials

The parish priest may permit memorials made of any natural stone or hardwood with the following exceptions:

- White marble
- Any granite other than unpolished grey
- Any other use of a reflective polished surface

Whenever there is doubt over the identity or suitability of any material, the matter should be referred in the first instance to the Secretary of the Advisory Committee.

Applying for Permission

Requests for permission should be made in writing to the parish priest in the first instance.

Please note that a minimum of six months must elapse between the death of the person to be commemorated and the application for permission.

If the parish priest is unable or unwilling to grant permission, then a Faculty will need to be applied for. The form of Faculty Petition should be obtained from the Diocesan Registry Clerk.

When the form of Petition has been completed, it should be sent to the Secretary of the DAC. The DAC will discuss the proposal and formulate advice to the Chancellor. The Petition then goes to the Diocesan Registry.

The form is called a Faculty Petition because it is an application to the Consistory Court. Faculty fees are payable, these are statutory fees and are non-refundable.

As with proceedings in other Courts, a fee is payable on issue of the Faculty Petition. When the Petition is received at the Registry, a letter is written requesting the fee, currently £133.70. The applicant has the option of withdrawing at that stage, in which case no fee is payable.

In the meantime the Parochial Church Council, the PCC, will also have been asked to give its opinion by way of a resolution discussed and voted on at one of its meetings. The applicant will need to ask the parish priest for a copy of the resolution, which should be sent in to the DAC.

Once the Petition, DAC Certificate and PCC resolution have been lodged at the Diocesan Registry and the fee paid, a Public Notice is displayed at the church. If the Petition is opposed, further fees may be incurred and there may be a hearing before the Chancellor. Also a fee may be charged if the application gives rise to more correspondence than usual. Advice on all of the above can be obtained from the Registry.

Responsibility for Maintaining Memorials

The PCC cannot be responsible for maintaining memorials in churchyards. Checks may however be carried out from time to time to ensure that memorials have not become hazardous. If it appears that a memorial is in a dangerous condition, the PCC may decide that it should be laid on the ground in order to avoid accidents.

Those wishing to erect a memorial should bear in mind that the church insurances do not cover damage to churchyard memorials, and they may wish to consider arranging their own insurance cover. Anyone who erects a gravestone is legally responsible for any damage it might cause.

American-style Caskets

The parish priest may refuse to allow unusually large coffins. If you are proposing to order one of these, you should check whether it will be permitted in the churchyard. Funeral Directors are asked to point this out to their customers.

Flowers

Except where the design of a headstone 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. Flowers, bouquets, wreaths etc intended to mark anniversaries etc for the Garden of Remembrance should be placed in or immediately behind the vases provided by the current stone tablets and not on the grassed area.

The PCC may at its discretion at any time remove and dispose of any wreaths, cut flowers or artificial flowers placed in the churchyard, if it is considered that they have deteriorated and/or become unsightly.

Bulbs and small annual plants may be planted in the soil of any grave. No trees or shrubs may be planted without the agreement of the PCC.

Conclusion

Erecting a gravestone is a very public statement and is something which could last for centuries. Although the families of the deceased are responsible for the maintenance of memorials, in practice PCCs and/or Local Councils are left to care for them long after the families who erected them have themselves died out or left the area. That is why such care is taken in these regulations.

If you require further guidance or wish to discuss your requirements please contact the Parish Priest.

Upton St Leonards Parochial Church Council.