



# **Guidance Note – Reservation of Grave Spaces**

(October 2025)

## Diocese of Carlisle – Guidance Note

### Applications for the Reservation of Grave Spaces

#### Jurisdiction

The reservation of a grave space can only be effected by faculty granted by the Chancellor. Incumbents and PCCs have no power to reserve grave spaces. Informal arrangements (such as promises or understandings) are without legal effect and may lead to disappointment and distress (Diocese of Carlisle Churchyard Regulations, para. 2.3.1).

#### Who may apply?

Any parishioner (including those on the electoral roll) and any other person with a demonstrable connection to the parish may apply. The Chancellor will have regard to:

- the views or policy of the PCC;
- the applicant's connection with the parish; and
- the period for which the churchyard is likely to remain open for burials

(Regulations, para. 2.3.3).

#### Local Policies

Some parishes choose to have a policy against grave space reservations. Instead they operate a “first come first served” arrangement. Where such a written policy against reservation is already in place, it will be an important factor for the Chancellor when deciding an application.

#### Duration of Reservation

The maximum period permitted by law is 100 years. The Carlisle policy is normally 50 years (Regulations, para. 2.3.2). Where burial space is limited, the faculty will usually be restricted to a shorter period, reflecting the estimated remaining capacity of the churchyard (*Re St Mary, Thame* [2022] ECC Oxf 2, para. 27(6)). In such cases, it remains open to the applicant to apply for an extension when the original faculty nears expiry (*Thame*, para. 27(8)).

#### Limited Space – Case Law

Where a churchyard has only a limited number of years of burial space remaining:

- The Chancellor will not normally grant a reservation beyond the date by which the

churchyard is expected to be full (*Re St Mary, Haversham* [2025] ECC Oxf 2, paras. 12–16).

- Exceptional circumstances may justify a longer period (examples include disability, pastoral reasons, or a compelling family connection).
- In ordinary cases, the approach will be to grant a shorter faculty matching the expected life of the churchyard, or else refuse the application.

**It is important to manage the expectations of applicants in such cases: they should be made aware that their petition may be refused altogether, or else result in reservation for only a short period.**

### Marking and Recording the Grave Space

Once a faculty is granted, the grave space must be marked by a durable wooden or metal stake at the head of the grave, bearing the initials of the person reserved and the year of reservation (Regulations, paras. 2.3.4–2.3.5). Marking must take place within three months of the grant. The responsibility lies with the applicant, not the PCC. The reservation must also be entered on the churchyard plan and the grave register (Regulations, para. 2.3.6). These safeguards are essential to prevent accidental burial in a reserved grave, which almost invariably leads to distress and exhumation.

A copy of the faculty will be sent to the Church and they should place it in safe-keeping with other deeds and documents for future reference.

### Costs and Contributions

The PCC may resolve that all grave reservations are subject to payment of an annual contribution towards the upkeep of the church and churchyard, up to £200 per year, as a condition of the faculty (Regulations, para. 2.3.8).

**Payment of the faculty fee is due when the petition is submitted and is payable whether or not the petition is granted.**

James Fryer-Spedding (Chancellor)

Laura Peace (Registrar)

**Disclaimer:** This note is provided for general guidance only. It does not constitute legal advice and should not be relied upon as such. Readers should refer to the Diocesan Churchyard Regulations and any relevant case law, and seek take their own advice where necessary.