

DIOCESE OF CARLISLE

CHURCHYARD REGULATIONS 2010

Issued on the direction of the Chancellor of the Diocese

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

The Regulations apply generally to all churchyards in the Diocese of Carlisle 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.

These Regulations replace the Churchyard Regulations issued on 28th February 1995 and come into force on 15th November 2010.

In any case of difficulty or where a query arises an approach should be made to the Diocesan Registrar who is always ready to give advice.

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.

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1. Introduction

- 1.1. Churchyards are a valuable heritage and also a great responsibility. Because churchyards are consecrated they fall under the jurisdiction of the Bishop, exercised through the Chancellor of the Diocese who is the ecclesiastical Judge in the Diocese and ultimately responsible for decisions affecting churchyards.
- 1.2. The purpose of these Regulations is to ensure that churchyards are kept in decent order so as to show respect for those who have died and so far as is possible to comfort those whose loved ones are buried there. Churchyards reflect the sure and certain hope that those buried therein await the return of Jesus Christ and the life that is to come.
- 1.3. Incumbents and Priests-in-Charge are temporary custodians not merely of the church building but, where there is one, of its burial ground. Responsibility for its appearance, care and maintenance rests with the PCC [Parochial Church Councils (Powers) Measure 1956]. The PCC should ensure that there is a churchyard plan, which is maintained accurately and kept up to date.
- 1.4. It is desirable that the PCC should maintain, with the assistance of local societies, a list of all monuments or memorials in the churchyard with a record of the inscriptions and the names and addresses of both the person who caused the memorial to be erected and the stonemason who carried out the work. Such will assist the PCC to locate the appropriate person should repairs to the memorial be required and assist those carrying out family or other research.
- 1.5. Churchyards are an important feature of both rural and urban communities : an historic record of successive generations, a home for funerary memorials of architectural and aesthetic excellence, a setting for the church itself [many of which are listed buildings] and a place where people can be quiet, remember and pray without the distraction of things that are unsightly or inappropriate.
- 1.6. It should be borne in mind that churchyards are different in their nature from municipal cemeteries. In addition, the upkeep of a churchyard is a considerable burden upon the limited resources of a PCC.
- 1.7. Although these Regulations relate primarily to all churchyards and to other consecrated ground associated with churches, consecrated portions of burial grounds established by cemetery companies or by local authorities are also within the jurisdiction of the Consistory Court for certain purposes [exhumations and inscriptions on monuments : see Cemeteries Clauses Act 1947]. Accordingly clergy who are concerned with the burial of remains in such grounds should ensure that these Regulations [and in particular those relating to memorials and exhumation] are understood by the legal personal representatives and funeral directors involved.

- 1.8. Because the legal right of burial is not restricted to those baptised nor to members of the worshipping community [see below] 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 undoubtedly provides a valuable opportunity for mission, it can also create pastoral difficulties. It is thus essential that the bereaved understand the meaning and consequences of burial in consecrated ground. Two particular features arise :
 - 1.8.1. The nature of the rite of burial is to say `farewell` to the deceased, give thanks for them and to commend them to the mercy and love of God in Christ to await the transformation of resurrection. There is thus a theological finality to the burial of all interments, including those of cremated remains, in ground consecrated according to the rites of the Church of England. Except in exceptional circumstances the prospect of exhumation at some future date and the relocation of remains must be ruled out.
 - 1.8.2. 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 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 breach of such responsibility 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 such a practice is commended.
- 1.9. These Regulations are designed to encourage best practice and to eliminate bad practice. They seek to summarise the relevant law relating to churchyards and provide a framework of rules so that the beauty of our churchyard heritage is maintained. They also attempt to give practical guidance for health and safety as well as maintenance issues.
- 1.10. 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 and trees in churchyards]. It is thus desirable that there should be an Extract from the Regulations which is both relevant to the bereaved and particular to the parish. PCCs can assist 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 A. Clergy are encouraged to give a copy of such Extract to the chief mourner at the time of arranging a funeral.
- 1.11. 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.

- 1.12. These Regulations express all measurements in metric units : approximate equivalents in imperial units are given in parentheses.

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 legal right of burial in the churchyard if there is still space available and if the churchyard has not been closed by Order in Council.
- 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 PCC. However, it is preferable for the PCC to give a general consent to the Incumbent to give such permission at his discretion.
- 2.1.3. If the churchyard has been closed by Order in Council, no burial of bodies may take place [unless the Order makes exceptions, for example for the burial of family members]. Different rules apply to the burial of cremated remains [see section 3.1.5. below].
- 2.1.4. There is no right to burial in any particular part of the churchyard and 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 grave space under any circumstances.
- 2.1.6. The construction of a brick-lined vault, bricked grave or a mausoleum in a churchyard requires the authority of a faculty. Such a faculty will be granted only if there are exceptional reasons why burial in a brick-lined vault, as opposed to the normal form of earth burial, should be permitted. If there are such reasons, the Chancellor will require an assurance that [a] any memorial to be erected over the vault will comply with diocesan and local churchyard regulations, [b] a fund to pay for future maintenance will be established if the faculty is granted and [c] in relation to any mausoleum or similar construction above ground, any necessary planning consent has been obtained.
- 2.1.7. All burials must be recorded in the Burial Register.
- 2.1.8. For the avoidance of any doubt the burial of animals is strictly prohibited.

2.2. Graves and memorials

- 2.2.1. It is unlawful for a memorial to be introduced into a churchyard without permission. Without such permission the relatives of the deceased or any other person have no right to erect a memorial over the grave.
- 2.2.2. Generally permission to introduce a memorial derives from the Chancellor in the form of a faculty and application may be made at any time to the Chancellor for authorisation to erect any memorial. However, for administrative convenience and to minimise expense, the Chancellor delegates to the Incumbent a discretion to permit the introduction of a memorial providing it is of a type which complies with the detailed provisions contained in Appendix B to these Regulations but Incumbents may refuse to permit the erection of an authorised memorial if they believe that it would be detrimental to the churchyard or it would otherwise be inappropriate for them to exercise such discretion.
- 2.2.3. During any vacancy and in the absence of the Incumbent, the authority is exercised by the Rural Dean.
- 2.2.4. Churchwardens have no authority to give permission for the introduction of memorials into a churchyard.
- 2.2.5. Incumbents have no discretion to allow the erection of a memorial which does not comply with the detailed provisions contained in Appendix B. Any purported permission given by the Incumbent not within his powers is void and of no effect. If the Incumbent is uncertain whether it is within his powers to authorise the proposed memorial he should consult the Diocesan Registrar.
- 2.2.6. If, in the exercise of his discretion, the Incumbent does not permit the memorial sought or the proposed memorial does not comply with the detailed provisions contained in Appendix B, the Incumbent should so inform an applicant [usually in writing and, where appropriate, setting out his reasons] that he/she is at liberty to apply to the Chancellor for a faculty and provide the name and address of the Diocesan Registrar, who co-ordinates the legal process in relation to faculties and from whom the necessary application form can be obtained.
- 2.2.7. In respect of any application for the introduction of a memorial the written application [which is annexed hereto as Appendix C] shall be used. Permission is always required and no work should be ordered or put in hand until permission has been granted. In particular an applicant is advised not to enter into any agreement with a stonemason before obtaining either the Incumbent's written consent or a faculty.
- 2.2.8. If permission is granted, a copy of the written application, duly completed by the applicant(s), the stonemason and the Incumbent, shall be given to the applicant(s) and the stonemason and the original of such application shall be safely kept within the parish records and shown to the Archdeacon on request.

- 2.2.9. Applications for memorials should generally not be made until 6 months after the interment but the Incumbent may increase this period to 12 months depending on the type of soil in the churchyard or reduce it if satisfied that there are exceptional circumstances. Not only 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 should be consulted and a consensus achieved. The Incumbent 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. It is helpful if such a conversation precedes a visit to the stonemason as it should avoid the difficulty and disappointment resulting from the selection of an inappropriate design from a catalogue.
- 2.2.10. Neither the exercise of a right of burial nor the erection of a memorial [nor the reservation of a grave space : see section 2.3. below] confers any right upon the relatives of the deceased or any other person. The whole churchyard is vested in the Incumbent alone. The erection of any memorial is a privilege : but any memorial erected will belong to the heir of the person commemorated and that person carries the duty to maintain it and the legal liability for its safety. Neither the Incumbent nor the PCC has any responsibility at any time for the upkeep of individual memorials unless the heir cannot be traced.
- 2.2.11. It should always be remembered that the churchyard will last for many years and that its character depends on that of all the memorials within it. There is a distinction between private grief and public remembrance and no single memorial can be allowed to spoil that general appearance. A memorial should thus respect its surroundings and should not impose an unreasonable burden on future generations.
- 2.2.12. Graves should normally be on a 2700 mm [9 feet] by 1200 mm [4 feet] grid unless ground conditions dictate otherwise. No grave or memorial should be placed within 3000 mm [10 feet] of the church so as to facilitate access and help reduce damage during maintenance and repair of the building.
- 2.2.13. The minimum depth of a grave must be not less than 750 mm [30 inches] above the coffin.
- 2.2.14. All headstones must be securely fixed in the ground to ensure stability and due regard must be paid to the nature of the ground and the risk of settlement. Stonemasons and funeral directors are strongly encouraged to have regard to the Guidelines issued by the Association of Burial Authorities.
- 2.2.15. A headstone is a public statement about the person who is being commemorated. Making the right choice of material, 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 and these

Regulations are not intended to discourage originality or high standards of design. It is always good to use local craftsmen and artists but for alternatives see for example the National Association of Memorial Masons [www.namm.org.uk] or Memorials by Artists [www.memorialsbyartists.co.uk]. 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.

- 2.2.16. 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 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. Excessive sentimentality is to be avoided. Passages of scripture, which have a timeless quality, are to be preferred.
- 2.2.17. 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 in the Consistory Court compelling them to do so]. The same also applies where approval is given for a particular memorial but a different one is erected without further approval.
- 2.2.18. The mere fact that another memorial has been erected in breach of these Regulations is not a good reason for allowing another such item that does not comply with these Regulations. Similarly, an Incumbent is not bound by decisions of previous Incumbents which contravene these Regulations.
- 2.2.19. These Regulations apply not only to new memorials but also to existing ones for which an alteration or addition is proposed.

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 granted by the Chancellor. Such a reservation cannot be granted by the Incumbent or the PCC. Informal arrangements such as promises or understandings have no legal force and may lead to disappointment and distress. The Petition, together with the appropriate faculty fee, must be lodged by the person applying for a faculty for this purpose with the Diocesan Registrar, who is willing to give such advice as may be necessary.
- 2.3.2. The maximum period of reservation permitted by law is 100 years but it is the Chancellor's usual policy to reserve for a much shorter period, generally 50 years, although this may be extended in appropriate circumstances if, by its expiry, the right has not been exercised.
- 2.3.3. In determining whether to grant a faculty the Chancellor will have particular regard to the

views of the PCC, and in particular any general policy approved by it as to the reservation of grave spaces, the connection which the applicant has with the church and the period which the churchyard is likely to remain open for burials.

- 2.3.4. 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 applicant to whom the faculty is granted. The applicant shall discuss the method of marking with the Incumbent and agree it with the Incumbent and then carry out the marking. Marking must take place within 3 months of the grant of the faculty. The applicant will be responsible for ensuring that the marker remains adequate for its purpose : there is no responsibility on the Incumbent, Churchwardens or PCC.
- 2.3.5. The following method of marking the grave 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 [eg GFT(2010)]
- 2.3.6. 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 Diocesan Registrar to the Incumbent and 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 and the reservation should be identified in the grave register. The responsibility for this rests with the Incumbent and Churchwardens. Great distress is caused when bodies are buried in a grave space reserved by another person and exhumation almost always follows such an error.
- 2.3.7. No markers may be placed until the granting of a faculty and any markers so placed should be removed.
- 2.3.8. The PCC shall have the power to determine whether it wishes the Chancellor to impose a condition upon the grant of every faculty for the reservation of a grave space that the applicant shall pay such annual sum as the PCC concerned shall determine, not exceeding £ 200 [or such other sum as the Chancellor shall from time to time determine], to the PCC as a contribution towards the general cost of maintaining the church and churchyard. If the PCC so determines, it shall so inform any such applicant prior to the applicant applying for such a faculty and a letter confirming that the applicant is prepared to make such payment should accompany the petition for a faculty when it is submitted.
- 2.3.9. In so far as a faculty has been granted to reserve a grave space before the coming into force of these Regulations, the requirements to mark the site of the grave space set out above will apply immediately upon the coming into force of these Regulations.

2.4. Exhumations

- 2.4.1. Whenever a deceased person is buried in consecrated ground, it is assumed that the place of burial is intended to be the final resting place of that person. The same principle applies when the cremated remains of a deceased person are interred in consecrated ground. There is thus a presumption against exhumation.
- 2.4.2. The disinterment [exhumation] of human remains [including cremated remains] from consecrated ground [whether in a churchyard or a local cemetery] for the purpose of reburial in another place is unlawful without a faculty and sometimes a Home Office licence.
- 2.4.3. The process of obtaining a faculty to permit an exhumation, which can only be granted in exceptional circumstances, is often lengthy and complex. An applicant is required to establish that the facts justify an exception to the presumption of the permanence of Christian burial. Anyone contemplating applying for such a faculty should contact the Diocesan Registrar.

3. Cremated Remains

3.1. Interment of cremated remains

- 3.1.1. Many parishes are faced with the need to provide for the disposal of cremated remains.
- 3.1.2. Parishioners [including all those on the Church Electoral Roll] and others who die in the parish, have a legal right to the burial of their cremated remains if there is still space available and if the churchyard has not been closed by Order in Council.
- 3.1.3. Permission for the cremated remains of others to be buried may be granted by the Incumbent, who must have regard to any general guidance given by the PCC.
- 3.1.4. The Incumbent 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.
- 3.1.5. If the 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, for example a family grave. It is normally possible to allow for the burial of cremated remains to continue as part of the closure Order.
- 3.1.6. Cremated remains buried in a churchyard should normally be buried without their container. They are to be poured into the ground, from the container in which they are brought to the burial site, by the minister committing them to the earth and then covered with soil. At the discretion of the Incumbent such cremated remains may be buried in a casket or urn

- provided that it is made of biodegradable material. The scattering of cremated remains in a churchyard is forbidden.
- 3.1.7. Once cremated remains have been buried they may not be disturbed without a faculty. This restriction should be borne in mind when cremated remains are buried in an existing grave if it expected to be used for further burials.
 - 3.1.8. The PCC may apply for a faculty so that an area where cremated remains are buried may be re-used.
 - 3.1.9. A faculty is always required before cremated remains may be buried within or below a church. Such a faculty will only be granted in exceptional circumstances.
 - 3.1.10. All burials 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 cremated remains but the conditions attached to such a faculty must be complied with strictly.
 - 3.2.2. The form of such Gardens of Remembrance depends very much on individual circumstances and calls for both vision and sensitivity. The PCC may think it appropriate to seek assistance in the creation of a suitable design.
 - 3.2.3. When applying for a faculty, a PCC is encouraged to consider a flexibility of approach and should have regard to the particular circumstances of the location and the amount of space which is available. The DAC should be consulted at an early stage in the design.
 - 3.2.4. Often the Garden of Remembrance is designed as a tranquil space with no individual markers because the burials are recorded in a Book of Remembrance. Sometimes there may be a pastoral need for some more tangible marking, such as a single communal memorial stone.
 - 3.2.5. If it has not already done so, every parish 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 D.
4. **Management of the churchyard**
 - 4.1. **Maintenance**
 - 4.1.1. The duty to care for and maintain the churchyard rests with the PCC, which has all the

- powers necessary for that purpose. There is thus a duty to ensure, particularly but not exclusively, that memorials, trees, walls, steps and fences are regularly inspected to ensure that there is no risk of danger to any person.
- 4.1.2. The following rules are appropriate for the exercise of those powers but may be varied, by agreement with the Chancellor, to meet the needs of the local situation.
 - 4.1.3. 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 12 months after the latest burial in a grave.
 - 4.1.4. Flowers should be placed in not more than one container which matches the memorial, if any : the use of glass containers is discouraged. Such container should be fixed securely onto/into the stone base or sunk completely into the ground so as to be firmly anchored and virtually invisible, yet removable should maintenance needs require it,
 - 4.1.5. No tree, rose bush or other bush may be planted in the soil of any grave but bulbs and small plants may be planted.
 - 4.1.6. Wreaths or cut flowers may be laid directly on the grave or placed in authorised sunken containers which preferably should be made of unpolished aluminium. Dead flowers are unsightly and disrespectful. Those placing the flowers should remove them when they appear withered and should not be upset if those responsible for the churchyard remove dead flowers as and when they observe them.
 - 4.1.7. Artificial flowers are not allowed except for Remembrance day poppies [on graves of those who served in the armed forces] and traditional Christmas wreaths but these should be removed after no more than 2 months.
 - 4.1.8. An Incumbent, Churchwarden or whoever is authorised by the PCC to look after the churchyard is permitted, indeed encouraged, to remove unsightly flowers from any grave and any items not permitted in this section and any other permitted items if they consider that they are not maintained to an acceptable and tidy condition. In particular no soft toys, photographs, balloons or other sentimental items should be left on the grave and if so left, may be removed at any time 42 days after burial. On such a sensitive issue, it is advisable that the PCC, before authorising the removal of items [other than decayed vegetation] should endeavour to consult with the families involved and give them the opportunity to comply with the PCC's requirements.
 - 4.1.9. The bereaved should be encouraged, instead of placing cut flowers on graves where they quickly spoil, to have them placed in church on the anniversary of the death or other appropriate occasion.
 - 4.1.10. Churchyard maintenance is expensive. Relatives of those buried in a churchyard should be

encouraged to make periodic gifts towards its upkeep, especially if they are not contributing to the church in other ways.

- 4.1.11. Where a churchyard has been closed by Order in Council, pursuant to section 215 Local Government Act 1972, the PCC may request the local authority to take on the responsibility for its maintenance. Careful thought should be given before such request is made, since the PCC then loses control of the churchyard. Notwithstanding the closure of the churchyard the PCC is still required to insure the churchyard.
- 4.1.12. Whether the maintenance of a closed churchyard is undertaken by the PCC or the local authority, it remains the property of the Incumbent and remains subject to the faculty jurisdiction. A faculty is still required for all works which would require a faculty in an open churchyard.

4.2. **Reordering the churchyard**

- 4.2.1. The Incumbent and Churchwardens are responsible for ensuring that the churchyard plan and related faculties are kept securely with the burial registers in the church or elsewhere, a note being kept as to where they may be found.
- 4.2.2. During a vacancy in the living, it is the responsibility of the Churchwardens to ensure that any 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 reserved for someone else resulting in unnecessary distress.
- 4.2.3. 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 Archdeacon may be willing to give advice as to the preparation of such a plan.
- 4.2.4. 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.

4.3. **Trees in churchyards**

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

4.4. **Health and safety**

- 4.4.1. The PCC and the Incumbent are occupiers of the churchyard for the purposes of the

- Occupiers Liability Acts 1957 - 1984 which place upon occupiers a duty of care to see that the visitor in the churchyard will be reasonably safe.
- 4.4.2. Thus the PCC and the Incumbent have a duty to ensure, particularly but not exclusively, that memorials, trees, walls, steps and fences are regularly inspected [annually is recommended] and reasonable steps should be taken to reduce or minimise foreseeable risk. An inspection of trees, walls and specified memorials should typically form part of the Quinquennial inspection and should also be carried out following exceptional weather conditions.
- 4.4.3. When the churchyard is closed and responsibility for maintenance has passed to the local authority, the local authority is also an occupier, but not to the exclusion of the PCC and the Incumbent.
- 4.4.4. The person who erects a memorial is responsible for seeing that 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. In such circumstances the burden of maintenance in effort and cost may fall on the PCC.
- 4.4.5. Should it come to the attention of the PCC that any memorial may be unsafe, it should be cordoned 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 a PCC has any doubt about the safety of a memorial they should seek professional advice and should contact the Archdeacon. Except in cases of immediate urgency [in which case the Chancellor must be notified immediately] a memorial should not be laid down without a licence issued by the Chancellor or the permission of the Archdeacon. A faculty may be required if major repairs are necessary.
- 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 include Health and Safety, disabled access, the condition of the existing fabric, lighting, tree planting and landscaping.
- 4.5.2. A faculty is always required before any alteration can be made in a churchyard [other than burials, 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.

- 4.6.2. 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 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 Diocesan Registrar should always be consulted before any action is taken.
- 4.6.3. Alternatively the Incumbent and the PCC may prefer to adopt a policy for the re-use of graves where burials took place at least, say, 100 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 Diocesan Registrar as to the legal position.
5. **Future review**
- 5.1. The Chancellor will monitor the way in which these Regulations operate in practice. If any person has any comments, favourable or otherwise, they should communicate them to the relevant Archdeacon or Diocesan Registrar in order that they may be taken into account when they are next reviewed.

Geoffrey Tattersall QC
Chancellor of the Diocese

5th July 2010

Revised : November 2010, October 2012, June 2013, June 2015, May 2018, November 2018, August 2019

APPENDIX A

MODEL EXTRACT FROM THE REGULATIONS FOR THE BEREAVED

THE PARISH CHURCH OF [INSERT]

Introduction

At this sad and difficult time, we hope that this leaflet will answer some of your questions clearly. We are honoured to be involved. We hope that all we do will help you to celebrate the life of the person who has died, will allow you to express your sadness and loss and will encourage you in the hope of the resurrection.

Churchyards are a valuable heritage and reflect the sure and certain hope that those buried therein await the return of Jesus Christ and the life that is to come. Because churchyards are consecrated they fall under the jurisdiction of the Bishop, exercised through the Chancellor of the Diocese who is the ecclesiastical Judge in the Diocese and ultimately responsible for decisions affecting churchyards.

The Chancellor has issued Churchyard Regulations which can be seen at the Diocesan website [www.carlislediocese.org.uk] to ensure that churchyards are kept in decent order so as to show respect for those who have died and so far as is possible to comfort those whose loved ones are buried there.

This short document attempts to assist in the understanding of such Regulations.

Who can buried here

Parishioners [including all those on the Church Electoral Roll] and others who die in the parish, have a legal right of burial in the churchyard if there is still space available and if the churchyard has not been closed by Order in Council. But permission for others to be buried may be granted by the Incumbent.

There is no right to burial in any particular part of the churchyard and the Incumbent is responsible for deciding where in the churchyard burials will take place.

The construction of a brick-lined vault, bricked grave or a mausoleum in a churchyard requires the authority of a faculty which will be granted only if there are exceptional reasons why this should be permitted.

Wardens

^^^

APPENDIX B

MEMORIALS IN CHURCHYARDS

1. **Generally**

- 1.1. An appropriate variety of design is encouraged in choosing memorials. Relatives should take the surroundings of the grave and the churchyard into account. A suitable choice can often be made from the range of memorials offered by some stonemasons 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, must be authorised by faculty.
- 1.2. Incumbents have a discretion to permit the introduction of a memorial providing it is of a type which complies with the detailed provisions set out below but Incumbents may refuse to permit the erection of the same if they believe that it would be detrimental to the churchyard.
- 1.3. If the proposed memorial is outside such discretion or the Incumbent declines to exercise such discretion, application should be made to the Chancellor. In most cases the Chancellor will consider the application on an informal basis but he reserves the right in appropriate cases [for example where he may wish seek the advice of the DAC] to require the application to make a formal application by way of petition for a faculty.

2. **Headstones**

2.1. **Size**

2.1.1 Height Maximum 1200 mm [4 feet] Minimum 750 mm [30 inches]

2.1.2 Width Maximum 900 mm [3 feet] Minimum 500 mm [18 inches]

2.1.3 Thick Maximum 150 mm [6 inches] Minimum 75 mm [3 inches]

2.1.4. If slate is used a thickness of 50 mm [2 inches] is permitted.

2.1.5. In the case of infant burials headstones may be smaller than above but the minimum measurements are :
height - 600 mm [2 feet] : width - 375 mm [15 inches] : thick - 50 mm [2 inches].

- 2.1.6. These measurements are not intended to define standard proportions of memorials and memorials may be of any dimensions within the given maxima and minima.
- 2.1.7. Provided that a headstone complies with the above dimensions, it may have a curved or straight top.
- 2.1.8. Headstones provided by the Commonwealth War Graves Commission are distinctive in design and dimension so as to indicate their particular nature. Although these are smaller than the minima permitted by these Regulations, the Incumbent may give permission upon proof that the headstone is supplied by the Commission.
- 2.1.9. A base forming an integral part of the design of a headstone may be included, provided that it does not project more than 113 mm [4½ inches] beyond the headstone in any direction and that it is fixed on a foundation slab of an approved material which itself is fixed at least 50 mm [2 inches] below or level with the surrounding ground and extending no more than 75 mm to 100 mm [3 - 4 inches] all round so that a mower may freely pass over it. If desired, the base may include the provision of a socket to receive a flower vase, in which case it may extend by up to 225 mm [9 inches] forward of the headstone.
- 2.1.10. Any material used to support the headstone or base shall be completely sunk into the ground and not visible.

2.2. **Materials**

- 2.2.1. Materials must be of natural stone or hardwood. Stone must be sandstone, limestone, granite or slate quarried in the UK. The stone should also be in keeping with the particular type and colour of the stone of which the church and any surrounding buildings are built. No memorials or vases shall be of marble, synthetic stone or plastic
- 2.2.2. The stone, including the surface to be inscribed, shall not be mirror polished (i.e. polished so as to reflect) or be above what is commonly called an eggshell finish

2.3. **Position**

- 2.3.1. No memorial may be erected within 3000 mm [10 feet] of the outer wall of the church building save by authority of a faculty.
- 2.3.2. Graves may not be fenced or otherwise individually delineated.

2.4. **Appearance**

- 2.4.1. Memorials of `eccentric` shapes [for example, teddy bears] are not permitted.

2.4.2. Lettering should be clearly incised or carved and may be painted in matt white, matt black, matt grey, silver or gold but in no other colours. Plastic, lead or other inserted lettering is not permitted.

2.5. **Inscriptions**

2.5.1. The wording of an inscription must be included in the application and approved by the Incumbent.

2.5.2. Inscriptions should be simple, reverent and theologically acceptable. Three principles should be observed : epitaphs should honour the dead, comfort the living and inform posterity. In cases where incumbents may have any doubt as to whether to grant permission for an inscription, they may wish to seek the advice of an Archdeacon.

2.5.3. Brief epitaphs may reflect the life, work, interests or concerns of the deceased, provided that offence is not likely to be caused. Appropriate biblical or other quotations may be helpful in emphasising that life, but these must be entirely compatible with the Christian faith.

2.5.4. The Christian and surnames of the deceased should be given, with dates of birth or death [or age and date of death]. Relationships must be stated correctly. Relations named should normally be limited to parents, children and spouse or partner but, if space is available, grandparents may also be named. Whilst a full form of address [for example, mother] is to be encouraged, the Incumbent has a discretion to approve diminutives in common or regional usage [for example, mum] but before giving such approval the Incumbent should consider [a] whether he, the PCC or any other person objects, [b] whether there are any other aspects of the proposed memorial which are not normally permitted, [c] whether the grave is in an obvious position, [d] whether the church is one calling for a high standard of inscription writing [for example, a Grade 1 listed church with historic churchyard and [e] where there are any other memorials in proximity bearing such terms.

2.5.5. Inscriptions must be incised or in relief. Hand-crafted letter-cutting is welcomed and encouraged.

2.5.6. Representations of objects or motifs appropriate to the life of the deceased or of accepted Christian symbols are permitted but the use of any colour is not permitted.

2.5.7. Photographs and etched images [whether from photographs or otherwise], porcelain or plastic portraits are not permitted nor are the use of pet names, nicknames or personal comments. Bronze or ceramic inserts are not to be used.

2.5.8. A badge or insignia of the Armed Forces of the Crown is permitted provided that the Incumbent has a letter of authority from the branch of the Forces in question.

2.5.9. No advertisement or trademark shall be inscribed on any memorial but the name of the

stonemason may be inscribed low down on the side or reverse of the stone in unpainted and unleaded letters no larger than 13 mm [½ inch] in height.

- 2.5.10 No QR (Quick Response) codes (which provide an instant link to a memorial internet page showing a virtual memorial of the deceased's life) or other ink electronically or otherwise to web-based memorial pages may be placed upon any memorial without a Faculty. (This is due to the possibility of non-theological content and / or defamatory statements which might leave the incumbent or priest-in-charge liable to an action in defamation.)

2.6. **Fixing**

- 2.6.1. Regard must be had to health and safety concerns. In particular all headstones must be securely fixed in the ground and due regard must be paid to the nature of the ground and the risk of settlement. Stonemasons and funeral directors are strongly encouraged to have regard to the Guidelines issued by the Association of Burial Authorities.

3. **Horizontal stones or ledgers**

- 3.1. Horizontal stones or ledgers should have a maximum length of 2100 mm [7 feet] and width of 900 mm [3 feet] including the base. They should be flush with the surrounding ground so that a mower may pass freely over them.

4. **Crosses**

- 4.1. Crosses not exceeding 1200 mm [4 feet] in height may be permitted by the Incumbent.
- 4.2. Between a burial and the erection of a permanent memorial, with the prior approval of the Incumbent, a small temporary wooden cross, not more than 450 mm [18 inches] in height [measured from the surface of the ground] and 300 mm [12 inches] in width may be used to mark a grave. The cross may bear a small plaque stating the name and date of death of the deceased,

5. **Prohibitions**

- 5.1. The Incumbent does not have delegated authority to permit the following :

- [a] Kerbs, railings, fencing or chippings.
- [b] Memorials in the shape of a vase, urn, heart, book or statues.
- [c] Memorials incorporating photographs, portraits or etched images.
- [d] Mementoes, windmills, toys or little animals.
- [e] Anything affixed to or hung upon any monument, including insignia, crosses, images, models, paintings or photographs.
- [f] The use of `pet names`.
- [g] Artificial flowers.

- [h] Any arms, crests, badge or insignia [save as permitted pursuant to paragraph 2.5.8. above].
- [i] any kind of lighting.

NOTES

1. **An Incumbent has no authority to permit the erection of a memorial which does not comply with these Regulations.**
2. **A memorial which does not comply with these Regulations [whether or not the Incumbent has purported to give his authority] may be removed by order of the Consistory Court.**
3. **A faculty may be sought for the erection of a memorial which does not comply with these Regulations. A petition for such a faculty will be considered on its individual merits and the views and policies of the Incumbent and the PCC, together with the opinion of the DAC, will be taken into account.**
4. **Parishes are encouraged to consider adopting by faculty their own Regulations for use in a particular churchyard. Such regulations must take into account local practice, tradition and custom and the particular environmental, architectural and aesthetic considerations of the church and its setting. It may be appropriate for different provisions to apply in particular zones within the churchyard depending upon their proximity to the church, visual amenity or the nature of existing memorials.**

APPENDIX C

APPLICATION FOR INTRODUCTION OF A MEMORIAL INTO A CHURCHYARD

This form is to be completed in duplicate

To be completed by Applicants

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 contend 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 of Applicant(s) (1)
(2)
Address(es) of Applicant(s) (1)
(2)
Signed (1)
(2)
Date

To be completed by stonemason

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.

Signed
Date

To be completed by the Incumbent or Priest-in-Charge

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

Signed
Date

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

Type of Stone or other
Material to be used

Source of Stone or other
Material to be used

Surface Finish

Description of any carving
or decoration

Wording of inscription
.....
.....
.....
.....

Style, size and colour of lettering
.....
.....

NOTE

The Incumbent should retain the original of the form and give a copy to the Applicant.

This form, suitably amended, may be used for additional inscriptions on an existing memorial

APPENDIX D

MODEL REGULATIONS FOR A GARDEN OF REMEMBRANCE

PCCs will wish to adapt this model to suit their church and any faculty already granted

1. A Garden of Remembrance is a place of communal remembrance which may be used for the burial of cremated remains
2. The cremated remains of the following persons, and no others, may be buried in the Garden of Remembrance namely:
 - [a] persons resident in the parish;
 - [b] persons whose names are on the church electoral roll of the parish;
 - [c] persons dying in the parish;
 - [d] any other person to the burial of whose remains the Incumbent consents and, in giving such consent, the Incumbent shall have regard to any general guidance given by the PCC.
3. Application for the burial of cremated remains must be made to the Incumbent who will decide the place of burial.
4. The names of those whose cremated remains are buried, together with a record of where they are buried, will be recorded in the Burial Register to be kept in the church safe.
5. Cremated remains should normally be buried without their container. They are to be poured into the ground, from the container in which they are brought to the burial site, by the minister committing them to the earth and then covered with soil. At the discretion of the Incumbent such cremated remains may be buried in a casket or urn provided that it is made of biodegradable material.
6. The place of burial shall not be marked by any memorial or otherwise but the personal representatives of any person whose remains are buried in the Garden of Remembrance may, on payment of such charge as the PCC shall from time to time prescribe, require an appropriate entry to be made in the Book of Remembrance maintained in the church or on a memorial recording the names of those whose cremated remains are so buried.
7. No artificial flowers or foliage may be laid anywhere in the Garden of Remembrance.
8. Flowers may be placed in vases or other containers provided by the PCC, whether in the church or outside, but all such flowers may be removed when they are dead or wilted.

APPENDIX E

TREES IN CHURCHYARDS

Chancellor's Guidance to all PCCs
pursuant to section 6(3) Care of Churches and Ecclesiastical Jurisdiction Measure 1991

1. **General**

- 1.1. Every PCC has the responsibility of properly caring for trees within the churchyard, whether the churchyard is open or closed, if it is liable to maintain the churchyard. The responsibility covers all aspects, including planting, routine maintenance, lopping topping and felling.
- 1.2. Trees are a traditional feature of churchyards, and are to be valued for their aesthetic and environmental advantages. Some modern uses of churchyards can inadvertently cause damage to established trees : for example, a parking area close to trees can damage roots near the ground surface as can spillage from a fuel heating tank. Conversely, ill-advised tree planting can give rise to damage from roots spreading to a wall of the church, memorials, a churchyard path or a nearby highway.
- 1.3. All this points to the need for the PCC to seek and follow expert advice as to the planting, felling, lopping and topping of trees in the churchyard. The PCC would be well advised to appoint one of its members as its trees officer.
- 1.4. Where any tree is subject to a tree preservation order made under section 198 of the Town and Country Planning Act 1990, or is in a conservation area in respect of which no tree preservation order is for the time being in force, restrictions are imposed by the Act upon cutting down, topping, lopping and other acts to trees in question [see sections 198 and 211]. They do not apply where the tree is dying, dead or has become dangerous [section 198(6)(a)]. In any other case the consent of the local planning authority, as well as any other authorisation mentioned herein, will have to be obtained before anything is done to the tree.

2. **Expert Advice**

- 2.1. Assessing the safety of trees and planning future planting programmes requires expert skills. Accordingly every PCC should be prepared to seek and follow expert advice concerning the trees and large shrubs within its churchyard.
- 2.2. Many local authorities employ an Arboricultural Officer, who may be able to give advice as to the safety of a tree in a churchyard and as to the type of maintenance or remedial work required.

- 2.3. An Arboricultural Consultant is a person with special experience in the management and assessment of trees and able to give advice on what work should be undertaken. A report from such a consultant would be evidence that the PCC has acted in a prudent manner, as is expected generally by the law and by insurers. A Consultant will, however, charge for this advisory work.
- 2.4. An Arboricultural Contractor [a tree surgeon] will undertake work to a specification prepared by a Consultant or on the basis of his own recommendation.
- 2.5. A Directory of Arboricultural Consultants and Contractors is maintained by the Arboricultural Association which is a registered charity concerned with tree care. Listing within the Directory is an assurance that the consultant or contractor has been examined and found to have satisfied a number of standards such as technical knowledge and provisions of insurance cover.
- 2.6. The DAC may well have an arboriculture consultant who can assist.

3. **Inspection of Trees**

- 3.1. The need for a full and regular inspection of trees increases with their age. In order to act on the right footing, every churchyard [open or closed] with any trees more than 10 years old should have been inspected by 31st December 2008. Thereafter good practice requires that regular inspections of all mature trees in the churchyard should take place every five years at the time of the quinquennial inspection under the Inspection of Churches Measure 1955 with the tree report annexed to the quinquennial report. This is obligatory in the case of a tree which is subject to a tree preservation order [para 3 Schedule 3 : Care of Churches and Ecclesiastical Jurisdiction Measure 1991].
- 3.2. Inspections should be carried out by one of the experts mentioned above. The inspecting person should be asked to categorise any work recommended in his report in order of priority, so that it can be undertaken as funds permit. Any concern expressed by the inspecting architect or surveyor should be referred to an expert as identified in section 2 above.
- 3.3. Any specification of work, other than emergency work [which may be authorised by the Archdeacon] is to be sent to the DAC for its advice and comments before the work is undertaken. The Archdeacon should notify the DAC of any works authorised by him

4. **Planting**

- 4.1. Before planting any trees the PCC should consult an expert identified in section 2 above as to the suitability of any proposed species for the churchyard in question and as to the appropriate location in the 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 the PCC must obtain the consent of the Archdeacon. In any case where a major scheme of planting is proposed, the PCC must seek the advice of the DAC and a faculty from the Chancellor. Unless good reasons are advanced a faculty will not be granted for planting any evergreen other than holly or yew.

5. **Lopping and Topping**

- 5.1. All trees are capable of shedding deadwood and can consequently be hazardous to persons using the churchyard. Beech, ash and sycamore are especially prone to this. Standard remedial work such as the removal of split and hanging limbs and major deadwood [no more than 75 mm [3 inches]] diameter] may be carried out as advised by an arboricultural contractor in the Directory of Arboricultural Association or approved by the DAC without reference to the Archdeacon.
- 5.2. Other works of tree surgery, for example cable bracing, crown reduction and removal of major limbs, must be recommended in a written report by an expert as identified in section 2 above. The report must be submitted to the Archdeacon, who may authorise the work, or part of it, but in any case of doubt or difficulty the Archdeacon should refer the matter to the DAC and the Chancellor.
- 5.3. 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 and damage.

6. **Felling**

- 6.1. Where the PCC is advised by an expert, as identified in section 2 above, that a tree or trees should be felled because of disease or for safety reasons, relating to either buildings or people, [save in cases of extreme urgency when an oral report will suffice] a copy of the written report of such expert, together with [where time permits] a PCC resolution to demonstrate that the matter has been properly considered, must be supplied to the Archdeacon, who may authorise the felling. A photograph of the churchyard with the tree or trees concerned should be taken and retained, together with the expert's advice, in the parish safe.
- 6.2. If the PCC wishes to fell a tree which is sound but is occupying a space in the churchyard required for some other use, the PCC must seek the advice of the DAC and a faculty from the Chancellor. This rule does not apply to self-seeded saplings up to a maximum height of 3000 mm [10 feet] 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. **Sale of timber**

- 7.1. 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) : Care of Churches and Ecclesiastical Jurisdiction Measure 1991].

8. **Faculties**

- 8.1. If a faculty is required for works in connection with trees it must be applied for on Form 16 [Faculty Jurisdiction Rules] available from the DAC Secretary.

APPENDIX F

RELEVANT PUBLICATIONS

The Churchyards Handbook [4th Edition : 2001]

Church House Publishing, Church House, Great Smith Street, London SW1P 3NZ

Tel 020 7898 1300

Guide to Management of Safety in Burial Grounds [2001]

The Association of Burial Authorities / Zurich Mutual

Loss Control Zurich Mutual, Southwood Crescent, Farnborough, Hampshire GU14 0NJ

Tel 01252 376010

Guidance for best practice for treatment of human remains excavated from Christian Burial grounds in England
[2005]

The Church of England and English Heritage

Memorial Safety in Local Authority Cemeteries [March 2006]

Advice and Guidance from the Local Government Ombudsmen

www.lgo.org.uk/pdf/LGO-612

Memorials by Artist [4th Edition : 2008]

Illustrated booklet to assist in identifying suitable artist letter-cutters who can provide individual and characteristic monuments

Snape Priory, Snape, Saxmundham, Suffolk IP17 1SA

Tel 01728 688934

www.memorialsbyartists.co.uk

APPENDIX G

USEFUL ADDRESSES

The Archdeacon of Carlisle
Ven. Lee Townend
The Vicarage
Pooley Bridge
Penrith
CA10 2LT
Tel 017684 86220

The Archdeacon of West Cumberland
Ven Dr Richard Pratt
50 Stainburn Road
Workington CA14 1SN
Tel 01900 66190

The Archdeacon of Westmorland and Furness
Ven. Vernon Ross
The Vicarage
Windermere Road
Lindale in Cartmel
Grange over Sands LA11 6LB
Tel 015395 34717

The Secretary
Diocesan Advisory Committee
Church House
19-24 Friargate
Penrith
Tel 01768 807777

Diocesan Chancellor
Geoffrey Tattersall QC
2 The Woodlands,
Lostock,
Bolton
BL6 4JD

Diocesan Registrar
Mrs Jane Lowdon
Carlisle Diocesan Registry
The Cube
Barrack Road
Newcastle upon Tyne NE4 6DB
Tel 0191 2267878

Arboricultural Association
The Malthouse
Stroud Green
Standish
Stonehouse
Gloucester GL10 3DL
Tel 01242 522152

Coroners and Burial Division
Ministry of Justice
102 Petty France
London SW1H 9AJ
Tel. 02033342813

Revision History

These Regulations were originally issued in July 2010, coming into force on 1st August 2010.

Revision 1

The following paragraphs were revised in November 2010, coming into force immediately:

- 2.2.8
- 2.2.15
- Date

- Appendix B
 - 2.1.9
 - 2.2.2
 - 2.4.2
 - 2.5.2
 - 2.5.5
 - new 2.5.6
 - 5.1(a)

- Appendix C
 - new last line

Revision 2

The following paragraph was added in October 2012, coming into force immediately

- Appendix B
 - new 2.5.10

Revision 3

The following sentence was added in June 2013, coming into force immediately:

- Appendix B
 - new 2.5.6 add “but the use of any colour is not permitted”

- Useful addresses: p 33 Archdeacon of Westmorland and Furness name updated to “Penny Driver”

Revision 4

The following wording was added to Appendix C - Application for Introduction of Memorial in the Churchyard, on 4th June 2015, coming into force immediately:

Appendix C page 25

“Source of stone or other Material”

Revision 5

The following were added to “Useful Addresses” on page 33 on the 11th May 2018 and 18th February 2019

- Archdeacon of Westmorland and Furness name updated to “Vernon Ross” address unchanged, Tel 015395 34717
- Archdeacon of Carlisle is now Ven Lee Townend updated to The Vicarage Pooley Bridge Penrith CA10 2LT Tel 01768 486220; 01768 807772
- Diocesan Chancellor Geoffrey Tattersall QC address updated to 2 The Woodlands, Lostock, Bolton BL6 4JD
- Diocesan Secretary, Diocesan Advisory Committee Church House 19-24 Friargate Penrith CA11 7XR Tel 01768 807777
- Arboricultural Association The Malthouse Stroud Green Standish Stonehouse Gloucestershire GL10 3DL Tel 01242 522152
- Home Office address replaced with Coroner’s address: Coroners’ and Burial Division, Ministry of Justice, 102 Petty France London SW1H 9AJ. Tel: 0203 334 3555 (switchboard)
Email: coroners@justice.gsi.gov.uk

Revision 6

Appendix B 2.2.1 was amended on 17th November 2018 to read:

Materials must be of natural stone or hardwood. Stone must be sandstone, limestone, granite or slate quarried in the UK. The stone should also be in keeping with the particular type and colour of the stone of which the church and any surrounding buildings are built. No memorials or vases shall be of marble, synthetic stone or plastic.

Revision 7 amendments made on 5th August 2019

Appendix B

- 2.2.2 The stone, including the surface to be inscribed, shall not be mirror polished (i.e. polished so as to reflect) or be above what is commonly called an eggshell finish
- 2.4.2. Lettering should be clearly incised or carved and may be painted in matt white, matt black, matt grey, silver or gold but in no other colours. Plastic, lead or other inserted lettering is not permitted.
- 2.5.10 No QR (Quick Response) codes (which provide an instant link to a memorial internet page showing a virtual memorial of the deceased's life) or other ink electronically or otherwise to web-based memorial pages may be placed upon any memorial without a Faculty. (This is due to the possibility of non-theological content and / or defamatory statements which might leave the incumbent or priest-in-charge liable to an action in defamation.)