

DIOCESE OF CHELMSFORD



CHURCHYARD HANDBOOK

**A GUIDE TO THE RULES RELATING TO BURIAL,
INTERMENT OF CREMATED REMAINS, AND OTHER
MATTERS RELATING TO CHURCHYARDS**

www.chelmsford.anglican.org

Revised Edition
November 2012

**IT IS RECOMMENDED THAT A COPY OF THIS GUIDE
BE KEPT IN THE CHURCH**

Front cover:

***Memorial in St. Margaret & St. Catherine's churchyard, Aldham, Essex
(illustration used by kind permission of the family)***

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***Child's memorial in St. Mary's churchyard, Easton, Hampshire
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PREFACE

The English churchyard is a place of quiet and repose, a place where comfort is drawn from the peace provided by being close to God and to his church. Some churchyards in the Diocese of Chelmsford are as old as the Domesday Book of 1087. Many are not as old, but all are places where peace prevails.

In all these burial places, land has been used as the last resting place for the earthly remains of a person who has been laid to rest in sure and certain hope of resurrection to Eternal Life. "Dust to Dust" and "Ashes to Ashes" has real meaning in a churchyard.

The beauty and calm of the churchyard would not be the same if unsuitable memorials were there. So rules have been evolved over the centuries. Some of these are in statutes enacted by Parliament. Some are part of the Common Law and some are in the Canon Law of the Church of England. Some rules are laid down by the Diocesan Chancellor and the control of churchyards is vested in the Chancellor by Canon Law.

As you plan for a memorial, you are encouraged to take time to reflect upon how best to provide one that recognises how special the person who has died was, because of his or her own personality. Copying words from other memorials will often not reflect this. There are several sources of advice about suitable words available: a member of the clergy, your family, the Bible, Christian writers. People looking at the memorial will be comforted and encouraged by what is written there. In later years, what is recorded will be an original source of local history.

The parish clergy have the legal responsibility to administer the law as it relates to the church and the churchyard. Funeral Directors and Stonemasons also must work within the law. All of these people are able to help the relatives of a person who has died with the legal issues which arise on Christian funerals, burials or cremations. They are especially sensitive to the pain of grief suffered by those whose family members have recently died.

I am particularly grateful to the group of people who have worked together to produce this handbook. They are the Archdeacons of Harlow, Colchester, Southend and West Ham, members of the Diocesan Advisory Committee for the Care of Churches, including James Bettley, Edward Bryant and Sandra Turner (Secretary), Nigel Barker, Sue Pengilley (both Stonemasons) and Jill Cole (Registry Clerk). They have given generously of their time and also of their skills and talents.

A handwritten signature in black ink that reads "George Pulman". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

George Pulman Q.C.
Chancellor of the Diocese of Chelmsford
October 2012

DEFINITIONS

- Archdeacon:** Senior Priest working with the Bishop.
- Chancellor:** The senior legal officer for the Bishop of the Diocese.
- Diocesan Registrar:** The Bishop's Legal Advisor.
- Diocese:** The Diocese of Chelmsford covers Essex & five East London Boroughs and is under the jurisdiction of the Bishop.
- Faculty:** Special legal permission granted by the Chancellor of the Diocese.
- Incumbent:** Vicar, Rector or Priest in Charge of a parish.
- NAMM:** National Association of Memorial Masons.
- Rural Dean:** Presides over a deanery which is a group of parishes.

CONTENTS OF HANDBOOK

	Paragraphs
Introduction: Burial or Cremation	1.1 – 1.8
Some Questions about Churchyards:	2.1 – 2.10
Introduction	2.1 – 2.3
Special Nature	2.4 – 2.5
Right to Burial or Interment of Cremated Remains	2.6 – 2.7
Form of Service	2.8
Can a particular position in churchyard be chosen for Burial or Interment?	2.9 – 2.10
Commemorating the Dead:	3.1 - 3.3
Cremation:	4.1 - 4.19
Cremation	4.1 - 4.8
Area set aside	4.9
Containers	4.10 – 4.11
Memorial in area set aside	4.12 – 4.14
Flowers in area	4.15 – 4.16
Book of Remembrance	4.17 – 4.18
Memorials over Graves:	5.1 – 5.26
Introduction	5.1 – 5.2
General points	5.3
Obtaining permission	5.4 – 5.6
Time for application	5.7
Permission for headstone	5.8 – 5.12
Material for headstone	5.13 – 5.16
Decoration for headstone	5.17 – 5.19
Photograph for headstone	5.20
Inscription/ Website and other electronic communications	5.21
Quotation or verse for headstone	5.22 – 5.24
Form of lettering for headstone	5.25
Children’s Memorials	5.26
Flowers on Grave:	6.1 – 6.2
Kerbs and plaques within kerbs:	7.1 – 7.3
Removal or replacement of a memorial:	8.1 – 8.2
Memorial Crosses:	9.1 – 9.5
Wooden Crosses	9.2
Metal Crosses	9.3
Reserving a Grave Space:	10.1 – 10-2
Exhumation and Re-interment:	11.1 – 11.2
Churchyard and other Fees:	12.1
Contact Addresses/Useful Website Addresses:	13.1 - 13.2

"For as in Adam all die, even so in Christ shall all be made alive." I Corinthians 15:22

I. INTRODUCTION

- I.1 One thing which is certain for all of us is that death will at some date bring to an end our lives on earth. Sometimes people leave helpful directions to their relatives or friends saying that they would like to be buried or cremated and the place where they would like their remains to be put. Very often they do not, and sometimes sudden accident or illness brings a totally unforeseen early death for which plans could not reasonably have been expected to be made.
- I.2 The purpose of this guide is to provide information to those who are planning to leave directions for their own deaths, to help those who have been bereaved to know what is permitted, and to help the clergy, funeral directors and others to comply with and explain the rules.
- I.3 The first question you have to ask yourself (and anyone else helping you) is "Do I want burial or cremation?"
- I.4 The answer to this question may be influenced by your own personal preference, but it is important that you should also understand what rights and choices you have. In particular, if you think you would like your remains, or those of someone who has died, placed in a churchyard, then you need to know what special rules apply to a Church of England churchyard. You should read **section 2** of this Guide for answers to some questions about churchyards. Your attention is also drawn to the fact that rules also apply in local authority cemeteries and in crematoria (see paragraph 2.2 below).
- I.5 Before you make a final decision about the first question, the choice between burial and cremation, you should ask yourself (and anyone else helping you) "Do I want some kind of memorial?".
- I.6 If you do, and you think you may choose **cremation**, you should read **section 4** of this Guide for the answers to various questions on this subject.
- I.7 If you think you may choose **burial** (provided the churchyard is open for burials) then you should read **section 5** of this Guide for the answers to various questions about memorials over graves.
- I.8 Making the right decision will be important to you, so you are strongly advised to read the relevant sections of this Guide and also to visit your parish churchyard, your local authority cemetery and the nearest crematorium before making a decision.

2. SOME QUESTIONS ABOUT CHURCHYARDS

- 2.1 In your area you may find that there is a parish churchyard, which is open for burials and/or interment of cremated remains, and also a local authority burial ground open for the same purposes. However, for a long time the churchyard, usually surrounding the parish church, was the sole and traditional place of burial of parishioners. The church was the focal point in the community and in the days of limited travel the parish boundaries played a significant part in local government. Then, in the nineteenth century, there came a demand for public cemeteries, and these were established as burial grounds separate and distinct from churchyards. Public cemeteries are now controlled by local authorities. Next came the development of crematoria with their own grounds providing places for interment after cremation.
- 2.2 So there is nowadays a choice available as to the last resting place for a person who has died. If that person is cremated, there may be a preference for a formal place of interment in contrast to other forms of disposal, such as scattering ashes at sea. It may be possible for the person's cremated remains to be interred in a churchyard, or in the grounds of a crematorium, or in a local authority cemetery. If the person is to be buried then the burial can take place in a churchyard (provided it is open for burials) or in a local authority cemetery. In each case there are separate rules and regulations which apply.
- 2.3 This Guide deals only with Church of England churchyards in Chelmsford Diocese. Before making a choice and a final decision you are recommended to consult those in charge of the local authority's cemetery about the rules which apply to the cemetery, and also to consult those in charge of the crematorium about the rules which apply in their crematorium.

2.4 **What is special about a churchyard?**

The churchyard is the area surrounding or close to the church. Its centre is the church building, a place for regular worship and the holding of services of baptism, weddings and funerals, which touch upon different stages in life. It is a special area because, like the church, it is usually consecrated. Where the church owns a burial ground which is separated from the church it will also usually be consecrated ground. This means that it has been set aside in the past by a bishop as sacred. This means that it is holy ground dedicated to the service of God.

- 2.5 So when a burial or interment of cremated remains takes place in a consecrated churchyard, or in a church burial ground, it is carried out in the Christian context. The intention is that the last resting place of the person concerned shall be in this holy ground. In the words used in the Church of England service the committal into the ground of a body or cremated remains is "**in sure and certain hope of the resurrection to eternal life through our lord Jesus Christ, who died, was buried, and rose again for us**".

2.6 **Can anyone be buried or have his/her cremated remains interred in a churchyard?**

There is a legal right for anyone

- who was a parishioner at the time of death, or
- who died in the parish, or
- whose name was at the date of death on the church electoral roll of the parish to be buried, or have his/her cremated remains interred in the churchyard provided that the churchyard has space available and it has not been formally closed for burials.

2.7 It follows that there is no legal right for anyone who was not a parishioner not on the church electoral roll, or who has not died in the parish to be buried in the churchyard. Permission may be given by the Incumbent for the burial or interment of the cremated remains of such a person, for example, if the deceased person had lived in the parish for many years and had only moved away for reasons of age or health. In practice such permission should be given sparingly, because space in the churchyard is primarily intended for those who have a legal right of burial due to their connections with the parish as described above.

2.8 **Where a person has a right to burial or to have his/her cremated remains interred in the churchyard is it essential to have a Church of England service?**

No. It is possible to have a burial or an interment of cremated remains without a service. If there is to be a service then it must be a Christian service, which can be conducted by a minister of another denomination, and the parish priest **must** be consulted in advance of the date and time of the service and the identity of the minister.

2.9 **Is it possible for a person to choose a particular spot in the churchyard for a burial or the interment of cremated remains?**

No. Unless there has been a Faculty (permission) granted by the Chancellor of the diocese to a named person authorising the reservation of a grave space for the burial of his/her body, the particular spot for a burial is chosen by the Incumbent. However, provided there is adequate depth in the existing grave then, in practice, the Incumbent will usually permit another member of the same family to be buried in that grave. Similarly the cremated remains of a deceased person can be interred in a grave already containing one or more bodies of relatives of that person. Otherwise cremated remains will be interred in a special area in the churchyard, which has been set aside for the purpose. It is the responsibility of anyone requesting an additional burial in an existing grave to ensure that the proposed burial is acceptable to all close members of the family or families concerned. The same applies to the interment of cremated remains in an existing grave.

2.10 In many churchyards space is very limited and in considering the suitability of allowing a grave space to be specially reserved by Faculty the Chancellor will take account of the need to keep space available for as long as possible for those with a legal right of burial in the churchyard. Once all the space has been used for burials the churchyard may be closed. If this occurs it means that no more burials of bodies can take place except in existing graves where the right to additional burials is expressly permitted in the order closing the churchyard. However, it may still be possible to have the cremated remains interred in the closed churchyard in an area specially set aside for them, or in existing graves.

3. COMMEMORATING THE DEAD

"God will bring them to life with Jesus. Thus we shall always be with the Lord. Comfort one another with these words." I Thessalonians 4:14 - 18

- 3.1 You will know that death usually brings the experience of a deep sense of personal loss. In grief it is natural to think only of oneself and one's immediate family. Out of this often comes a desire to commemorate the dead person by introducing personal items, such as ornaments, into the churchyard, or an attempt to treat the grave or place of interment of cremated remains as if it were the private property of relatives.
- 3.2 Although there are legal rights in relation to burial and interment (see paragraph 2.5 above) they confer no right of ownership of the soil in which the burial or interment has taken place. This means that neither you nor anyone else is permitted to place items on a grave without permission. Anything which is placed in the churchyard without permission is technically a trespass and you can be asked to remove the item or items in question. You must therefore be very careful to ensure that you have obtained permission to place any kind of memorial or other item in the churchyard before you order it or bring it into the churchyard.
- 3.3 The person with the legal responsibility for making rules about memorials in churchyards is the Chancellor of the Diocese. There are rules which apply to areas set aside for the interment of cremated remains, and other rules which apply to the erection of memorials over graves. These are guidelines as to the type of commemoration which will be regarded as appropriate in a consecrated churchyard. In case of doubt or difficulty the Incumbent is advised that he/she should always refer the matter to the Chancellor for directions. It may be appropriate to seek guidance from the Archdeacon in the first instance.

4. **“Remember those whose Ashes lie here”. “Rest eternal grant to them Oh Lord”.**
- 4.1 Cremation became increasingly popular during the second half of the twentieth century so that over 70% of deaths are now followed by cremation. As the numbers continue to rise there will be fewer burials.
- 4.2 This public preference for cremation has practical significance for those who have the responsibility of providing land in which interments can take place as well as for the relatives of those who have died. It is possible to accommodate many more interments of cremated remains than burials in a small area of land. Use of a local churchyard or cemetery can therefore continue for longer in providing for interments of cremated remains than in providing for burials of bodies in coffins.
- 4.3 Once a churchyard or cemetery is full it may not be possible to find land nearby to be an extension of the churchyard or cemetery, because suitable land is generally expensive and in short supply. This means that any new land for burials may be some distance away from the community or communities which were served by the local burial ground, whether it was a churchyard or a local authority cemetery.
- 4.4 Even where there appears at present to be plenty of space in a particular churchyard or cemetery it is necessary to conserve resources for the future. We are all regularly reminded that the principles of sustainable development require us to use land carefully and economically in our time so that we can pass it on not too greatly diminished to future generations.
- 4.5 The Church of England provides facilities for interments of cremated remains in a different context from that which applies to crematoria and local authority cemeteries. A churchyard is usually the setting for the local church and is consecrated ground where the minister will inter the cremated remains according to the rites of the Church of England. In local authority cemeteries there is no obligation to provide a consecrated area for interments, although some do have such an area.
- 4.6 Your parish church is concerned with the living, whilst at the same time giving due recognition to the place of the dead. The church constantly and confidently proclaims that God has created each person for eternal life, and this message is carried through into the churchyard where the earthly remains of those whose lives on earth are ended can be laid to rest.
- 4.7 As the preference for cremation became more widespread it was obvious that the approach to use of space in a churchyard needed to be reviewed. In consequence, for many years it has been recognised that a sensible way of providing for the interment of cremated remains is to have a special area in the churchyard for this purpose. This has in turn led to new ideas about forms of commemoration.

4.8 The present rules, which came into effect in the diocese in 1990, provide for an area to be set aside in the churchyard for the interment of cremated remains, and give a discretion to the Incumbent and Parochial Church Council to seek a Faculty (permission) for the introduction of some form of memorial feature for the purpose of commemorating those interred in the area. Some questions about the rules are considered in the following paragraphs.

4.9 **What is an area set aside for interment of cremated remains?**

This is part of the churchyard which has been selected by the Incumbent and the Parochial Church Council. It is consecrated ground which is set apart from other uses and dedicated to Almighty God. The area is usually defined in some way by corner stones, or wooden posts or a small hedge or some other kind of physical feature marking the boundary of the area. The suitability of the area selected and the method of defining the boundary will have been considered by the Diocesan Advisory Committee and then the scheme will have been approved by the Chancellor by the grant of a Faculty.

4.10 **Are there rules about the kind of container which may be used for interments?**

Yes. Ideally the cremated remains should be interred directly into the ground without any container and this practice is to be encouraged. If any container is used it must be bio-degradable: for example, wood or cardboard. Some parishes may have their own rules about the maximum size of container which is permitted. It **must** not have any form of lining which prevents it from being bio-degradable.

4.11 By the canon law of the Church of England it is the duty of the minister to bury cremated remains, so they may not be scattered on the surface of the churchyard. Interment is to be at a depth of not less than 305mm (12 inches) below the surface of the ground for a single interment with an appropriate adjustment to a lower depth if further interments are to take place in the same plot.

4.12 **Is any kind of memorial provided in the area set aside for interments?**

As the area is intended to be a place of peace and reflection you may find that it contains a stone or other plaque inscribed with words such as "Rest in the peace of God", or "Garden of Remembrance: May they Rest in Peace". Whether there should be a memorial arrangement for commemoration of the dead is left to the discretion of the Incumbent and Parochial Church Council. They may decide to keep the special area simple, but to decorate it with plants and shrubs, and to provide a garden seat, so that visitors to the churchyard can sit and reflect in a place of natural beauty. Alternatively, they may have obtained a Faculty to provide a central stone to bear inscriptions, or a wall for memorial plaques, or some other form of memorial arrangement. These will normally carry only the names and dates of birth and death of each person commemorated. Memorial plaques will all be in identical material.

4.13 A special area for cremated remains, like the rest of the churchyard, has to be maintained. Offers of practical or financial help from relatives or friends towards the upkeep of the churchyard are always welcomed by the Parochial Church Council. The particular objective in respect of an area for cremated remains is to manage and maintain it as a place of dignity, beauty and peace both for present and future parishioners and visitors.

4.14 If there is a memorial arrangement in a churchyard, then the Parochial Church Council will have its own rules about the type of plaque and inscription which may be used. **Because every churchyard is different it is important that you, or someone on your behalf, visit the churchyard and finds out what arrangements apply to the area set aside in that churchyard before you make a decision to have cremated remains interred in that area.**

4.15 **Are there any rules about placing of flowers in the Garden of Remembrance?**

The Parochial Church Council has the responsibility for maintaining the churchyard, and will have its own rules about where flowers may be placed and when they will be removed from the area, because they have withered and become unsightly. Only fresh flowers or stems cut from shrubs and bushes including holly will be permitted. **Plastic or artificial flowers of any kind will not be permitted.** This is because they are not in keeping in a churchyard and are inconsistent with any concept of a Garden of Remembrance which is intended to contain only plants and flowers which grow naturally.

There are three limited exceptions:

- (1) Poppies at Remembrance Sunday; they serve a special purpose for a limited period at a time of National Remembrance
- (2) Wreaths at Christmas.
- (3) Wreaths at the anniversary of the death of the deceased, for a limited period of two weeks.

4.16 **You should consult the Incumbent, a churchwarden, or the secretary of the Parochial Church Council about the rules relating to placing flowers in the churchyard, so as to avoid any distress.**

4.17 **Will there be a Book of Remembrance?**

The Parochial Church Council may provide a Book of Remembrance and keep it on display in the church. You should ask the Incumbent, or a churchwarden, or the secretary of the Parochial Church Council whether there is a Book of Remembrance in the church and, if possible, go and look at it yourself. If there is a Book you will be able to have an entry made in it about the person whose cremated remains have been

interred at your request in the churchyard belonging to that church. You will probably be asked to pay for the entry and the charge will cover the fee paid to the calligrapher. The content of your entry will have to be approved by the Incumbent. The Parochial Church Council may have a policy about the number of words which you may add by way of tribute and remembrance (for example, up to 25 suitable words) in addition to the full names and dates of birth and death of the person commemorated.

4.18 A Book of Remembrance is a valuable, lasting local record of the parish's history. Physical features in a churchyard, such as memorials, may change over several generations, but history shows that well cared-for books have an enduring quality. Each entry will be a permanent record about the life of the person commemorated. The whole book, with all its entries, will be a social and historical record of those who lived and died within the local community during the period covered by the book. If the Parochial Church Council encourages the use of a Book of Remembrance, it will not only be offering you the opportunity to commemorate someone in a permanent way but will be providing an important contribution towards the history of the parish. The 'Book of Remembrance' will be kept safely by the church as part of the Parochial records.

5. MEMORIALS OVER GRAVES

5.1 Any memorial placed over a grave has to be carefully chosen in recognition that the churchyard is sacred ground and is the area forming the setting for the church building. Once this principle is recognised it should be easier for you to understand why there are rules governing what is, and what is not, permissible in a churchyard in the diocese. Many churchyards are the settings for historic churches, which are listed as being of special architectural or historic interest under the planning legislation. Care has to be taken to ensure that nothing incongruous or detrimental to that setting is introduced into the churchyard.

5.2 Churchyard rules have changed over the years. You may see memorials in the churchyard which are different from those permitted under the present rules. **Whatever may have been allowed in the past it is the present rules which apply in the churchyard.** The following paragraphs of this Guide are intended to help you to understand what these rules are.

5.3 Some general points and questions about memorials

Whereas there is in certain circumstances a legal right by common law and statute to burial or to have a person's cremated remains interred in the churchyard, **there is no legal right to place a memorial or any other item in the churchyard. Permission has to be obtained in each case.** It is important for you to bear this in mind because anything which is placed in the churchyard without permission is there unlawfully and can be ordered to be removed. Distress can be avoided by observing this rule and recognising that, as in other areas of life, it is necessary to obtain permission first to ensure that all is in order.

5.4 **What do I have to do to obtain permission to erect a memorial over a grave?**

Some memorials can be authorised by the Incumbent or, during a vacancy in the benefice, by the Rural Dean or Archdeacon. A special form has to be used to make this application. It is a form CRI. **Until this form has been submitted in duplicate, and the application has been approved in writing, no memorial should be ordered from a stonemason.**

5.5 The form CRI can be obtained from the Incumbent, the Rural Dean, most stonemasons, undertakers, The Diocesan Office or via the Diocesan website www.chelmsford.anglican.org/parishes/dac/dac_notes. A Petition for a Faculty can be obtained from the Diocesan Registry (whose address is given at the end of this guide). A fee is payable when a Faculty is applied for. This is in addition to the statutory fee which has to be paid to the Parochial Church Council whenever a new memorial is introduced. The process of obtaining a Faculty usually takes several weeks.

5.6 If the application is for a type of headstone or a form of decoration for which the Incumbent, Rural Dean or Archdeacon cannot give permission, then an application can be made to the Chancellor for a Faculty. Special permission by way of a Faculty is not given automatically. A Petition for a Faculty will be considered on its merits in each case. However, Faculties are from time to time granted, for example, for a stone cross or a simple open book design.

5.7 How soon after the burial can permission be obtained for the erection of a headstone?

1. There are various reasons why an application should not be made too soon. A headstone is a public statement about the person who is being commemorated. Making the right choice of stone, of design and of inscription is important not only to the relatives or friends who are going to provide the memorial, but also to the wider community. This is because of the effect which the headstone will have upon the appearance of the churchyard.
2. In the early days of bereavement it is frequently difficult for relatives to listen to advice and to make important decisions calmly because of the naturally emotional state brought about by grief. A time is therefore prescribed to allow the grave to settle, and thus facilitate the erection of a headstone, and also to reduce the risk of decisions about the headstone being made too hastily.
3. **No application should be made until at least six months after the date of burial, unless there are exceptional circumstances which the Chancellor may consider. No permission may be granted until six months has elapsed from the date of burial.**

5.8 What kind of memorial can be permitted if I make an application using form CRI?

Memorials which can be permitted on a CRI application are headstones of certain dimensions. These are the memorials which the Incumbent or Rural Dean may permit. It does not mean that they are the only types of memorial which may be permitted. It simply means that other styles of memorial will have to be the subject of a Petition for a Faculty (see paragraph 5.5).

5.9 When choosing a design for an application using form CRI, headstones must have parallel sides and the top should be straight or curved. All other shapes will require a Faculty. Lawn type memorials must not exceed 1070mm (3ft 6ins) in height measured from the surface of the ground, or 1220mm (4ft) for a monolith type memorial (style installed directly into ground with no plinth). They must not exceed 760mm (2ft 6ins) in width and 102mm (4ins) in thickness.

5.10 If you wish to have a flower vase set into the base of the memorial this will be permitted, but you will not be entitled to have more than one flower vase. A single

flower vase is permitted to be incorporated into a base of the headstone and may extend a maximum of 202mm (8ins) in front of the headstone.

5.11 It is the responsibility of the stonemason to ensure that a satisfactory base is provided for the headstone you are obtaining from them. This is to avoid the risk of the headstone becoming unstable or subsiding. **Installation and Fixings:** The foundation should be 910mm (3ft) wide and project not less than 76mm (3ins) or more than 127mm (5ins) at the front and back of the headstone base. All memorials will be fixed to the current NAMM Code of Working Practice supporting BS8415.

5.12 You will be required to sign the form CRI yourself or to arrange for someone in your family to sign it on your behalf. **The stonemason is not permitted to sign the form for you.** The stonemason should help you with your choice of headstone to ensure that it is of a size and design which can be permitted on an application under a form CRI, but it is important that you check this with him yourself before you sign the form. Otherwise you could be disappointed by being told that your application cannot be permitted because it falls outside those which the Incumbent or Rural Dean can allow under the authority delegated to him/her by the Chancellor.

5.13 **What kind of stone or other material may be used for the headstone?**

Although no two churchyards are identical, where the churchyard is the setting for the church building the stones or other materials used for memorials should be as harmonious as possible with the church. Many churches in the diocese are not built of stone, so headstones which blend with the church in colour and texture are to be welcomed. Where the church is built of brick different colours and textures may be appropriate. **Stone memorials must not be polished; they must have a non-reflective finish.**

5.14 With these considerations in mind a list of materials which may be permitted on a form CRI application has been prepared. This offers considerable variety. You may choose from **slate** (which lends itself to inscription in a flowing script), or from the following stones. **Limestone: Blue Lias, Chilmark, Hopton Wood, Hornton, Nabresina, Oathill Cotswold Cream, Portland, Purbeck Pond Freestone, Purbeck Thornback. Sandstones: Caithness Stone, Dukes, Forest of Dean, Peakmoor, Scotch Buff, Stoneraise Red, Wattscliffe Lilac, West Stone, Yorkstone.** In addition, you may choose from **light or medium grey granite**. Any other stones such as marble, or red, dark grey, or black granite, or synthetic stones, cannot be permitted on a form CRI application. Whether permission will be granted by way of Faculty will depend upon the circumstances in relation to the churchyard in question, but it should not be assumed that a Faculty will necessarily be granted for any such stone.

5.15 The stone which you select for approval on a form CRI **must be unpolished**, which means that it must have a matt, non-reflective surface and must not be polished or finished in any manner which gives an effect similar to that of polished stone. The

Incumbent or Rural Dean who receives your application can allow the entire headstone, and not just the side with the inscription, to be honed (which is the stage before final polishing). Whether permission is given will depend upon the type of stone, its colour and its proximity to the church building.

5.16 Even when your choice of stone falls within those which may be permitted on a form CRI application the Incumbent or Rural Dean receiving your application is not obliged to reach a decision upon it, and may instead refer it to the Chancellor if there are any matters relating to the choice of stone, or the proposed design, which appear to justify taking this course.

5.17 **What kind of decoration can be inscribed on the headstone?**

The words of the inscription are usually the most significant element of what appears on a headstone. However, some decoration is permissible provided that it is kept in proportion having regard to the amount of space available after allowing for the words of the inscription. The decoration must be seemly and appropriate for a headstone being placed on sacred ground.

5.18 On a form CRI application you may be permitted to use Christian symbols, including a small cross, a Bible, or the ICTHUS sign, which is approved by the Incumbent or Rural Dean receiving your application. You may be permitted to use a single flower or a spray of flowers or other plant (such as ears of corn) of appropriate size. Permission may be given for use of an emblem of appropriate scale commemorating a person who served in one of the Armed Forces, provided that written evidence is produced with the form CRI to prove the entitlement of the deceased person to use that emblem. Alternatively, you may be permitted to have a special decoration on the headstone but it is advisable to have it specially designed for you. A list of designers for stones can be obtained from Stonemasons, DAC, Diocesan Registry or websites e.g. Memorials by Artists www.memorialsbyartists.co.uk.

5.19 Sometimes relatives wish to use a decorative design, which illustrates the profession, occupation, special skill or interest of the deceased person. Original designs of this kind can be authorised by Faculty but not on a form CRI application. Faculties have been granted, for example, for a decoration on a headstone consisting of a musical instrument, a small yacht, a badger or fox. Such forms of decoration need to be carefully designed by the artist or stonemason, with brief wording inscribed on the memorial to make sense of the design e.g. 'talented/enthusiastic musician', 'a keen sailor', 'devoted to the countryside', which are then considered by the Diocesan Advisory Committee which advises the Chancellor.

5.20 **Can a photograph be fixed on to the headstone or placed in front or beside it?**

No. Photographs have their proper place in the homes of relatives of the deceased person. There they serve their purpose in recording the appearance of the person at

different stages of life on earth. The words of the inscription on the memorial, on the other hand, speak of the whole span of that person's life from birth to death. The headstone is a public reminder that the person has lived on earth and has now entered eternal life.

5.21 **What kind of inscription is permissible?**

Because a memorial stone is a record of the life of the person commemorated there has to be formality in relation to the names and dates of birth and death of the person concerned. The person's names are not allowed to be abbreviated but if he or she was usually known by a particular name then this name can be added in inverted commas after the Christian name, provided that the Incumbent or the Rural Dean, who is giving permission, considers it appropriate. Well-known descriptions of endearment only familiar and used within the family concerned are not likely to be appropriate and cannot be approved on form CRI. As a general rule the inscription is in English, not in another language. This is because it needs to be capable of being read and understood by visitors to the churchyard. **Website and other electronic communication details i.e. twitter, quick response (QR) codes on headstones are prohibited.**

5.22 **Will a quotation or a verse be allowed on the headstone?**

The general principle is that any words inscribed on a memorial in a churchyard must be consistent with the Christian belief in life after death. An appropriate quotation from the Bible may be used and the Incumbent or Rural Dean advising on your application will be able to help you with possible quotations you may use.

5.23 The headstone is an opportunity to record in words something about the character or life of the person commemorated, so that future generations, both of the family in question and the public generally, will be able to read the testimonial and reflect on the life recorded on the memorial. Those who are bereaved are likely to feel a sense of personal loss and sorrow, but the headstone should not be used simply to express these feelings. A positive description of the deceased as, for example, a caring, hardworking or unselfish man or woman, parent or workmate, is a meaningful and appropriate description of that person's character, and wording of this kind will be encouraged. Words which describe the work and life of the deceased are encouraged. Future generations then know something of the person who is commemorated. For example, "Husband of Ann and Father of John, Eleanor and Kenneth" and "Carpenter", "Builder", or "Churchwarden of this Parish" are welcomed.

5.24 Sometimes relatives wish to copy a verse they have seen on another headstone, but by doing so they lose the opportunity to record in their own words something special about the person they wish to commemorate. Several memorials in a row all in similar wording will tell future generations nothing much about the unique nature of the individuals who each have a separate headstone. You are strongly advised to spend time on discussion and reflection upon the wording for an inscription before making your final choice of words. Anyone trying to choose an inscription should always

discuss the possibilities with the Incumbent or Rural Dean as appropriate before completing the form CRI. Stonemasons and undertakers are expected to discourage the bereaved from applying for permission to use standard verses.

5.25 Are there any requirements about the form of lettering?

The most lasting way of inscribing a headstone is to incise the letters into the stone. (The Diocesan Advisory Committee has a list of experienced letter incisors; their address is given at the end of this Guide.) The only requirement is that the colour should be black or such other colour as the Incumbent or other person giving permission under form CRI considers appropriate, having regard to the type of stone to be used, its distance from the church, and its relationship with other headstones.

5.26 What are the rules for children's memorials?

The death of a child is devastating for a family. Parents seeking permission to place a memorial upon a child's grave will need special pastoral sensitivity and care. Some of the memorial masons have catalogue pictures of standard stones that do not easily sit in a churchyard setting or parents may seek to include a drawing upon a memorial which has copyright (e.g. Disney, because of a favourite toy) and this can cause difficulties. Parish clergy are encouraged to meet with the parents to support them in completing the CRI form or to gently explain the Faculty system. Please remember that it is advisable to speak to the appropriate Archdeacon at an early stage for advice. There are several local stonemasons who are craftsmen and will help parents to create a special and lasting memorial. Many clergy have been helped by the book "Just My Reflection" by Sr Frances Dominica, when preparing for a child's funeral. Clergy and the bereaved can also be helped by the Memorials by Artists' publications. Free illustrated leaflets are also available on request. Website: www.memorialsbyartists.co.uk.

6. Are there any rules about placing flowers on the headstone or planting bulbs or other plants on the grave?

6.1 Where a flower vase is included in the base of the headstone fresh flowers or stems cut from shrubs or bushes including holly may be placed in the base. **No plastic or artificial flowers of any kind are allowed.** This is because they are not in keeping with the changing seasons of nature which apply in the churchyard. They may serve a useful purpose as decoration in other places but the objective in the churchyard, which is a holy place, is to have flowers and plants which grow naturally.

There are three limited exceptions:

- (1) Poppies at Remembrance Sunday; they serve a special purpose for a limited period at a time of National Remembrance
- (2) Wreaths at Christmas.
- (3) Wreaths at the anniversary of the death of the deceased, for a limited period of two weeks.

6.2 The Parochial Church Council has the responsibility for maintaining the churchyard. It makes rules about the planting of bulbs and plants on graves and can require, and arrange for, the removal of wreaths and cut flowers from graves and headstones, when they have withered and become unsightly. The Parochial Church Council may also decide the maximum width and length of the area which may be planted. If planting is permitted by the rules made by the Parochial Church Council this does not in any way authorise the introduction of any kind of fencing, edging, or other artificial enclosure of any kind round a grave. **You should bear in mind that any such enclosure would be unlawful and would be subject to an order for removal to be made by the Chancellor.**

7. Kerbs have been allowed in the past in some churchyards, so why are they not permitted nowadays?

- 7.1 Over the passage of years kerbs deteriorate and become partially or wholly sunken into the ground or broken. They present a hazard and create difficulty for those maintaining the churchyard with modern equipment. The expense of maintaining the churchyard falls upon the Parochial Church Council, which has to raise funds for this purpose as well as for the cost of maintaining the church. Few, if any, people donate money for the continuing maintenance of memorials or for the churchyard generally. For many years it has been the practice to discourage the introduction of kerbs and to welcome it when families volunteer to remove old kerbs from around older memorials because it is so much easier to maintain the grass round a headstone alone.
- 7.2 The use of chippings and other stones within kerbs was fashionable for a time but these also create hazards for modern equipment and can cause damage if thrown by vandals. It has therefore been the practice for many years not to allow the introduction of chippings or stones of any kind within existing kerbs or on graves.
- 7.3 **Will I be allowed to add a plaque within existing kerbs or to an existing headstone?**

Wherever possible it is preferable to add inscriptions to the existing memorial. If the kerbs are in good condition then an inscription can be incised into one or more of the kerbs round the grave. If the kerbs are in poor condition then you may be asked to consider replacing the kerb memorial with a new headstone with sufficient space to carry over the inscriptions which were on the kerb memorial and to add further new inscriptions. If there is insufficient space on a headstone then the reverse side can be used where possible without referring to the Chancellor. This allows members of a family to be recorded in the same way and does not detract from the appearance of the headstone as would a plaque attached to it. Additional plaques can only be authorised by Faculty and are likely to be allowed only in exceptional circumstances. If the Incumbent is unhappy with the inscription proposed a CRI form will be referred to the Chancellor for his direction.

8. Is permission required for the removal or replacement of a memorial?

- 8.1 **Yes.** Once a memorial has been erected in a churchyard with permission under a CRI form or by Faculty it can only lawfully be removed from the churchyard whether for purposes of restoration or replacement, if a Faculty is first obtained. The Incumbent will be required to refer the CRI form to the Chancellor for his direction before any approval is given. If it is necessary to remove a headstone for a short period simply to add a further approved inscription then no Faculty is required, provided that the Incumbent or Rural Dean as appropriate, is informed before the headstone is removed as to when it will be taken away and when it will be returned to the churchyard.
- 8.2 **It is good practice that before any work is carried out, that the Incumbent and/or churchwardens are to be consulted/notified in writing.**

9. Is it permissible to place a memorial cross on a grave?

- 9.1 The cross is the supreme Christian symbol and should not, therefore, be used indiscriminately. However, a cross may be placed on a grave provided it has been authorised in one of the ways indicated below.
- 9.2 **Wooden crosses:** The Incumbent or Rural Dean with responsibility for a particular churchyard has general authority to permit a wooden cross with the name of the deceased person on it, to be placed on a grave for a temporary period of three years. A longer period may be allowed, with the agreement of the Parochial Church Council, if there are special reasons for permitting the cross to remain on the grave, but a wooden cross is not intended to be a permanent memorial. The cross should be no larger than 380mm (15ins) high by 305mm (12ins) wide and have a natural wood colouring. The period of three years from the date of burial allows time for careful consideration to be given to the question whether permission should be sought by way of CRI form or a Petition for a Faculty, for a permanent memorial.
- 9.3 **Metal crosses** bearing the name and dates of the deceased have been used as memorials over graves in the past in various churchyards in the Diocese. Such crosses measure about 460mm (18ins) high and are still available today. The Incumbent or Rural Dean with responsibility for the churchyard may give written permission for a metal memorial cross to be placed over a grave where the burial of a coffin has taken place. In some churchyards where there are only occasional interments of cremated remains written permission may similarly be given for an metal cross to be positioned over the place of interment of individual cremated remains provided a Faculty has been granted authorising the Incumbent or Rural Dean to give such permission.
- 9.4 Metal crosses may be of any of the following designs: the usual Passion (Latin) shape or Celtic, Maltese, Crosslet or St. Chad's, painted black with contrasting lettering. An application for a metal cross must be made in writing on form CR2, authorised by the Incumbent. The cross **should not be ordered** until the application has been approved in writing.
- 9.5 Any memorial cross other than the wooden and metal crosses mentioned in paragraphs 9.2 to 9.4 above, whether it is to be made of stone, wood, metal or any other material can only be authorised by a Faculty.

10 When is it possible to reserve a Grave Space?

- 10.1 It is sometimes possible to reserve a special grave space in advance for the burial of a body in the churchyard. This can only be authorised by a Faculty granted by the Chancellor of the Diocese. The person applying for such a reservation of a grave space should be a member of the congregation, a parishioner, or someone whose name is on the church electoral roll of the parish. A non-parishioner with relatives buried in the churchyard may sometimes be permitted to have a grave space reserved for him or her. It is essential that there is adequate space left remaining in the churchyard for the burial of parishioners and others entitled to be buried in the churchyard in the foreseeable future. If space is limited then it is unlikely that reservation of a grave space will be permitted. The Diocesan Registrar should be consulted about the procedure in relation to applying for a Faculty.
- 10.2 Where space is available for five years or less a Faculty to reserve a space will not be granted unless there are exceptional circumstances.

11. Is it possible to exhume a body or cremated remains for re-interment elsewhere?

- 11.1 As already explained in this Guide the consecrated churchyard is intended to be the last resting place of the earthly remains of a deceased person placed there in the hope of resurrection to eternal life. Exhumation of a body or of cremated remains is therefore only permitted where there are exceptional circumstances to justify it; for example, burial in the wrong grave space. Convenience of visiting the grave will not be accepted as a sufficient ground for allowing exhumation.
- 11.2 A Faculty is required for disinterment and re-interment in a consecrated churchyard, but if the re-interment is to be in unconsecrated ground both a Faculty and a Home Office Licence will be required. The Diocesan Registrar must be consulted in any case of this kind.

12. What fees are payable?

12.1 Certain fees are laid down with Parliamentary approval in respect of funeral services, burials and interment of cremated remains. Fees are also payable for the erection of memorials over graves. All these fees are regularly reviewed and information about them should be obtained from the Incumbent or Rural Dean. The Diocesan Registrar will also be able to assist with queries, particularly about Faculty Fees.

13.1

Contact Addresses

1. The Chelmsford Diocesan Registry:

Winckworth Sherwood LLP
Minerva House
5 Montague Close
London
SE1 9BB

Telephone: 020 7593 0353
Fax: 020 7593 0314
Email: registry@wslaw.co.uk

2. The Diocesan Advisory Committee:

53 New Street
Chelmsford
Essex
CMI IAT

Telephone: 01245 294413/294423
Fax: 01245 294477
Email: dac@chelmsford.anglican.org

13.2

Some useful website addresses:

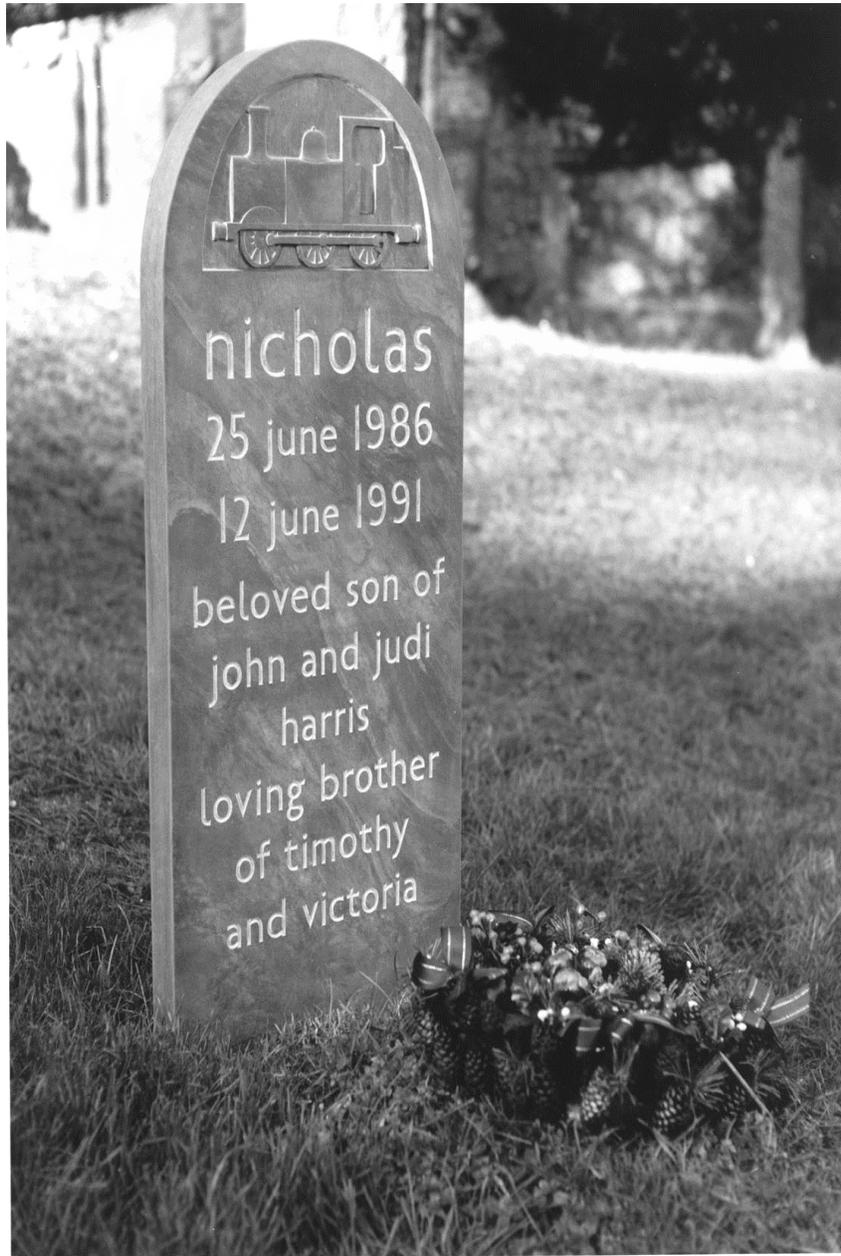
Diocese of Chelmsford: www.chelmsford.anglican.org

DAC: www.chelmsford.anglican.org/parishes/dac

Memorials by Artists: www.memorialsbyartists.co.uk

Stonewriters: www.stonewriters.co.uk

FSE Foundry Ltd: www.fsefoundry.co.uk



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www.chelmsford.anglican.org/parishes/dac/dac_notes