

DATED 26th June 2014

CHURCHYARD REGULATIONS IN THE DIOCESE OF LEICESTER

LEICESTER DIOCESAN REGISTRY

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Definitions

In these regulations:

“Chancellor” means the chancellor of the Diocese or his deputy

“Churchyard” means any ground consecrated for burial, including a disused Churchyard, whether or not this surrounds a church

“Diocese” means the diocese of Leicester

“Incumbent” means the rector, vicar, priest in charge of a parish, or any person with special cure of souls, and the person holding an equivalent position under common tenure

“Regulations” means these churchyard regulations (“the Diocesan Regulations”) and (where they exist) the Parish Regulations which are mentioned below and which are applicable only to the land in the parish to which they relate.

General

1. All memorials in Churchyards in the Diocese are subject to diocesan regulation. Different regulations apply to civic cemeteries. Those cemetery regulations come from the local council; these diocesan churchyard Regulations emanate from the Chancellor.
2. A new memorial should not overshadow or outshine its neighbours, nor be flashier or larger than them. In death we are all equal, and it is pleasing to see an equivalence between the memorials, and between the stone (or other) old and new memorials in a Churchyard.
3. On the other hand bereaved families often believe, or are led to believe, that they want something that is different or striking. This can lead to disagreements with the Incumbent or the churchwardens.
4. These Regulations are designed to make clear what should be allowed and the process for gaining approvals.

Permission for a memorial

5. No memorial may be placed in a Churchyard or in other consecrated ground, and no existing memorial may be permanently removed or altered or added to, without

specific permission. Permission under any Parish Regulations which may apply is discussed below; permission under the Diocesan Regulations must be sought on the official form from the Diocesan Registry and must give details of the proposal.

6. The Incumbent (or, if there is none, the Area Dean) may only give permission for certain memorials under these the Regulations or the Parish Regulations (if any)
7. . Any memorial which is introduced to a Churchyard or altered without permission is liable to be removed, and the cost of this may be ordered against the person or family or monumental mason responsible.
8. Permission for any memorials outside the ambit of what the Incumbent may permit must be obtained from the Chancellor on a specific application being made to him which is called a faculty petition. An explanation of how this is done and what fee is payable, will be given by the Diocesan Registry, whose address is given at the end of these Regulations. These details are also on the Memorials in Churchyards page of the DAC section of the diocesan website.

Diocesan Regulations: permissible memorials and acts relating to memorials

8. The Diocesan Regulations apply wherever no Parish Regulations apply. Any doubts about any of the Regulations are best referred to the Incumbent, the DAC Secretary, the Archdeacon or the Diocesan Registrar. Any dispute between family members or others about a memorial or these regulations may be resolved through a faculty petition to the Chancellor.
9. On the application of any person with a person with sufficient interest in a memorial, the Incumbent (or if there is none, the Area Dean) may allow a memorial (a) to be temporarily removed for the purposes of recording additional names or inscription or for repair, or (b) to be permanently removed if replaced by a new headstone complying with the Regulations
10. Under the Diocesan Regulations, the Incumbent (or if there is none, the Area Dean) may allow a monument to be erected, altered or added to, provided that it satisfies the following conditions: -
11. Upright headstones should be:
 - (a) no more than 1200 mm high (measured from the surface of the ground), or less than 750 mm high (measured from the surface of the ground);
 - (b) no more than 900 mm wide, or less than 500 mm wide;
 - (c) no more than 150 mm thick, or less than 75 mm thick, except in the case of slate memorials which may be no less than 40 mm thick;

- (d) for a child the headstone may be smaller, but should be no less than 600 mm high, 375 mm wide and 50 mm thick
- 12. Horizontal stones should be no larger than 2100 mm by 900 mm.
- 13. Headstones may be of three types:
 - (a) so shaped that they can be inserted directly into the ground at sufficient depth to ensure stability;
 - (b) on a stone base, provided that it is an integral part of the design, no more than 225 mm high, 900 mm wide or projecting 100 mm on either side; the base being no more than 360 mm front to back;
 - (c) on a vase base, no more than 100 mm on either side; the base being no more than 375 mm front to back.
- 14. All headstones must be adequately secured into the ground by a means conforming to the National Association of Memorial Masons guidance.
- 15. Materials should be of natural stone or a colour, type and texture traditionally used within the locality of the Churchyard. Where local stones are no longer available the substitution of matching natural stone of a similar geological nature or of similar appearance is acceptable. "Stone" means natural stone, not a reconstituted or synthetic material.
- 16. Polished granites, marbles or unusual stone is not allowed, nor memorial in the form of a natural boulder, or of a cross of stone or wood including a Celtic cross. But a wooden cross intended as a temporary memorial to mark a grave is permitted for a maximum period of two years after the burial.
- 17. The following designs or features are not permitted:
 - (a) other shapes of memorials, such as an open book or in the form of a heart;
 - (b) kerbs, chippings, railings and chains;
 - (c) the incorporation of a photograph or ceramic portrait of the deceased;
 - (d) stone, concrete, metal, glass, plaster or plastic objects, such as model people, animals or toys, and windmills and jangling trinkets designed to make a noise when the wind blows.
- 18. Other than the traditional Christian plain cross, no symbols, insignia or motifs such as flowers or things of interest in the life of the person who has died, such as a dog, a bird, a fishing rod, a tractor, a musical instrument or a motorcycle, are permitted.

19. The inscription should be simple and consistent with the Christian belief of life after death. It should not be confined to expressions of personal loss or sorrow. It may record what the deceased did or some feature of his or her character (“a skilled tailor”, or “a much-loved father and grandfather” or “a kind and gentle daughter”). It may include a biblical text, or extract from a poem, or a suitable phrase with Christian connotations. Sentimental expressions should be discouraged.
20. Inscriptions should be incised into the stone or carved in relief.
21. No advertisement, trademark or commercial information may be inscribed on the face of a headstone. The stone mason’s name may be discreetly inscribed on the side or on the reverse in small lettering. A small plastic plate with the stone mason’s name or any other information is not permitted.

Cremated remains

22. The establishment of a reserved area for the burial of cremated ashes may be permitted after specific faculty application by the Chancellor. Such an application must be made by an application from the Incumbent and churchwardens for specific parish burial Regulations dealing with this area, and in particular with the size and nature of any memorial stone or stones.
23. Without faculty permission, the Incumbent (or, if there is none, the Area Dean) may permit the interment of ashes in the burial ground either in an existing grave or in any part of the Churchyard that has been authorised by faculty for such a purpose.
24. Ashes may be tipped into the ground or be buried in their casket. They should not be buried within eight feet of the outer wall of the church, nor should they be scattered in the Churchyard.
25. The identity of each deceased person must be recorded either (a) in a Book of Remembrance with or without a plan or (b) with faculty permission (either general or particular) in a single inscribed slab or upon small individual gravestones.

Flowers

29. The PCC should make rules for the location and removal of flowers after the burial of any human remains. In the absence of such rules, any floral tributes must be removed two months after the interment. The use of artificial flowers is not permitted. Vases or other receptacles for flowers in the Churchyard are not allowed, other than vases which are structurally part of the memorial.

Families of deceased persons should be encouraged to give flowers to the church as an anniversary memorial to the deceased, rather than to leave cut flowers in the Churchyard.

Faculty applications to the Chancellor of the Diocese

30. No alterations may be made to anything in a Churchyard by any person, save as to the memorials as permitted by these Regulations or the "Minor Works List" which are specified from time to time, without the approval of the Chancellor of the Diocese.
31. Memorials which have not been approved, either because they are outside the ambit of the Regulations or because they have not been permitted by the Incumbent or the Area Dean as the case may be, may be permitted by the Chancellor in his discretion, if a properly completed faculty application is made.
32. The Chancellor encourages well-designed and craftsman-made memorials even if they are unconventional and outside the ambit of the Regulations, but he will be influenced by the views of the PCC and the Diocesan Advisory Committee (DAC). He will be influenced in favour of those that blend well with the church and Churchyard and will often allow a well-carved depiction of an object or symbol that was of importance to the deceased. Commercial logos will not be allowed.
34. The Diocesan Advisory Committee Secretary will give advice to applicants as to what may be acceptable.

Parish Regulations

35. To the extent that Parish Regulations have come into effect in relation to a parish or churchyard or part of a churchyard (after permission from the Chancellor) then the Diocesan Regulations will not apply.
36. Guidance for parishes on the composition of Parish Regulations is given in the Annex below.

Useful addresses

DAC Secretary

Mr Rupert Allen
Diocese of Leicester
St Martins House
7 Peacock Lane
Leicester
LE1 5PZ

T: 0116 261 5332 (Direct Line with voicemail)

Email address for correspondence only: Rupert.Allen@leccofe.org

Email address for applications and large attachments: dac@covlecportal.org **N.B.** No zip files please.

W: www.leicester.anglican.org/dac

The Archdeacons

The Archdeacon of Leicester

The Venerable Dr Tim Stratford
Diocese of Leicester
St Martins House
7 Peacock Lane
Leicester
LE1 5PZ
T: 0116 261 5319 (Direct Line)
T: 0116 261 5309 (Secretary)
E: Tim.Stratford@LecCofE.org E:

The Archdeacon of Loughborough

The Venerable David Newman
Diocese of Leicester
St Martins House
7 Peacock Lane
Leicester
LE1 5PZ
T: 0116 261 5321 (Direct Line)
T: 0116 261 5309 (Secretary)
E: David.Newman@LecCofE.org

Diocesan Registrar and Chancellor

Diocesan Registrar

Mr Trevor H Kirkman
Latham and Co
2 & 4 Forest Road
Loughborough
LE11 3NP
T: 01509 238822
E: Trevorkirkman@lathamlawyers.co.uk

Guidance to PCCs for the composition of Parish Regulations

1. PCCs are encouraged to obtain permission to introduce churchyard regulations of their own making. The reason is that the worshippers in a parish are the people best qualified to judge how to preserve the appearance of their Churchyard as a tidy calm place of Christian rest.
2. Permission will be granted by the Chancellor for the introduction of any proposed Parish Regulations for all or any part of a Churchyard if they are reasonable and workable, and while those Regulations remain in force they will replace the equivalent Diocesan Regulations for the parts of the Churchyard or Churchyards of the relevant parish. They may be amended, expanded or revoked by subsequent order of the Chancellor.
3. The Incumbent or in the absence of an Incumbent the Area Dean will then have authority to approve any memorials which fall within the ambit of such Parish Regulations as have been approved. Specific faculty permission will still be required for any memorials which are outside that ambit. In the granting or refusing of such faculty permission, the views of the PCC and the DAC will be sought by the Chancellor.
4. Because it is intended that Parish Regulations in relation to memorials should replace the Diocesan Regulations in Churchyards to which they apply, it is necessary that Parish Regulations should cover all the matters which were previously covered by Diocesan Regulations. So parishes will need to consider the following matters in the draft regulations that they submit for approval to the Chancellor. Comparison with the Diocesan Regulations is recommended:
 - (a) Maximum and minimum dimensions of height, width and thickness of the memorial stone.
 - (b) Shapes and types of permissible memorial, and whether kerbs, surrounds, flower-vases or coloured gravel &c should be allowed. (*Thought must be given to practical questions: a flat memorial stone flush with the ground may soon become buried but is easier for maintenance as it does not impede mowing; a large one may collect leaves or become weedy; an awkwardly shaped one may impede the lawnmower*).

- (c) What specific stone or other material should be permitted or not permitted?
(Harmony with the existing stone is desirable but may be difficult or too expensive. Local stone may be unobtainable and will sometimes be soft and may deteriorate quickly. Polished granite can appear very brash. It will be desirable if PCCs can specify exactly what colour or type of stone is to be permissible. It will be worthwhile investigating with a monumental mason the availability and cost of different stones.)
- (d) What lettering should be permitted? *(Any? Or no silver or gold painted letters?)*
Should the permitted wording be formal or personal? What motifs will be allowed? *(Many standard designs provided by monumental masons are ugly or may be inappropriate).* Should the wording be formal or personal?
- (e) Should any memorials of a certain specific type previously permitted in the Churchyard in question be encouraged or discouraged in the future?
- (f) Should a different regime prevail in different parts of a Churchyard *(for instance where stones of a certain type have been allowed, or where cremated remains are deposited?)*
- (g) Should the burials of cremated remains be in a separate designated area, and should they be commemorated in a book of remembrance, or by a single large stone with the names on it, or by small individual stones and if so of what size or appearance?

The Worshipful Mark Blackett-Ord

Chancellor

June 2014