



**Churchyards have for centuries been used as the place of burial for the dead of the parish. Burial, monuments and exhumation are, along with all other matters relating to churchyards, regulated by law.**

**Ministers and others responsible for the care of churchyards therefore need to know the law and practice in this area, in particular to give guidance to the bereaved.**

### **Rights to burial**

Unless the churchyard has been closed by Order in Council, the following have a right to burial in a churchyard:

- those resident in a parish
- those whose names are on the church electoral roll.
- those dying in a parish.

The minister may also allow burial of those who do not fall within the above categories. In making a decision, (s)he must take account of any general guidance on this subject from the PCC.

Where there is likely to be a considerable number of such requests, or if space is limited, it is sensible for the PCC to establish some guidelines that the minister can take account of when considering requests.

### **Burial**

When a discussion is held with the bereaved, it is important to stress two particularly important aspects of the regulation of churchyards:

- The interment of human remains, whether of corpses or cremated remains, is final; the grant of a faculty for

exhumation is given only in exceptional circumstances.

- That there are Diocesan Churchyard Regulations that must be adhered to.
- Memorials may only be introduced in accordance with the Regulations, or exceptionally, following
- the grant of a faculty. That will mean that the size, materials and wording of any memorial may only be within the parameters of the Regulations.
- Additional items such as photographs, toys and



windmills may not be permitted or only for a temporary period, depending on the terms of the Regulations.

- Copies of the Diocesan Churchyard Regulations can be obtained through the diocesan office.

## Registration

Before a burial takes place, the minister must be satisfied that a 'certificate of disposal' of the body has been issued by the Registrar or Births and Deaths, or a corresponding order made by the Coroner.

The detachable portion of the certificate should be returned by the minister to the Registrar within 96 hours of the burial. The burial should also be recorded in the church registers in the normal way.

## Grave Spaces

It is possible to apply for the reservation of a grave space in a churchyard through the grant of a faculty. This might be done, for instance, where it is desired to reserve a plot adjacent to the resting place of a family member.

However, if space in the churchyard is limited, the consistory court may judge that reservation would prejudice future burials. If a space has not been reserved

by faculty, the incumbent must designate a plot for burial.

The digging of a grave is arranged by the executors, usually through the funeral directors.

There is no standard depth of grave, but Orders in Council and local acts may specify a certain depth of soil above a coffin. Where possible, it makes sense for a grave to be dug deep enough for a further interment, for instance of a family member, to take place in due course.



## Fees

Fees are payable for interments, as well as for funeral services in a church. Details can be found in the annual parochial fees order at:

<http://www.churchofengland.org/weddings-baptisms-funerals/fees.aspx>

## Cremated remains

The same rights apply in relation to the interment of cremated remains as with normal burials. But where a churchyard is closed, interment of cremated remains may only take place in an area set aside by faculty.

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