



## **DIOCESE OF YORK**

### **Schedule 3**

## **CHURCHYARD GENERAL REGULATIONS**

### **Part 1. General Provisions**

#### Introduction

Our churchyards and burial grounds are a valuable heritage and a source of solace for many, but they are also a great responsibility. These Regulations are intended to help parishes keep them in a worthy state, as part of our commitment to discipleship and mission.

#### 1.1 General legal position

**Jurisdiction:** churchyards are consecrated and therefore they fall under the jurisdiction of the Bishop, exercised through the Chancellor of the Diocese.

**‘Ownership’:** the freehold of a church and its churchyard vests in the incumbent i.e. they are a temporary custodian of the land.

**Maintenance responsibility:** the responsibility for managing and maintaining the church and churchyard falls upon the Parochial Church Council (PCC) (unless the churchyard has been closed to further burials *and* maintenance responsibility has been passed to the local authority).

### **Part 2. Burial in the Churchyard**

2.1 The right of burial of a body and the right of burial of cremated remains in a churchyard are of equal extent in law. Provided that space is available within the churchyard the following persons have such rights:

- (a) a parishioner i.e. a resident in the ecclesiastical parish at the time of death
- (b) a person whose name is on the electoral roll of the parish at the time of death
- (c) a person who dies in the parish.

No other person may be buried in the churchyard without the joint consent of the minister and the PCC (which must be given in writing) and it is usual to have the consent of the churchwardens also. Normally this agreement will only arise when the deceased person has had a significant connection with the parish.

- 2.2 Reservation of burial space. For guidance on the reservation of a space for the burial of a body or cremated remains please contact the Faculty Secretary at the Diocesan Registry, Stamford House, Piccadilly, York, YO1 9PP or by email [registryyork@flintbishop.co.uk](mailto:registryyork@flintbishop.co.uk) or telephone 01904 687530.
- 2.3 Burial space remains part of churchyard. It is important to note that the family of the deceased do not own the land in which a body is buried ("the grave") or into which cremated remains have been placed. The land remains part of the churchyard and the family has no proprietary rights over it, so the grave or cremated remains plot may not be marked or delineated by kerbs, chains, verge stones, railings or fences of any kind.
- 2.4 Burial of cremated remains. An application to bury cremated remains shall be made to the minister in writing, accompanied by the appropriate fee, and the place for burial may be any of the following as agreed by the minister:
- (a) the existing grave of a close relative, or
  - (b) an area set aside by faculty for the burial of cremated remains, or
  - (c) an otherwise unused and small area of the churchyard (if there is no area set aside for the burial of cremated remains) being an area not large enough (or not required) for use as a grave space.
- Cremated remains shall not be buried in a plastic or other non-biodegradable container. Direct committal into the earth is, from the point of view of symbolism, theology and sound practical sense, the course to be preferred.

### **Part 3. Memorials**

- 3.1 Placing of memorials. The Chancellor of the Diocese has delegated authority to the minister responsible for a churchyard to allow the placing of memorials (headstones, cremated remains plaques etc) which meet certain criteria. Please see the Diocese of York Churchyard Memorial Regulations).
- 3.2 Ownership of and responsibility for memorials. Any memorial installed in a churchyard remains the property of the person who commissioned its erection during his lifetime and after his death it is the property of the "heir at law" of the deceased. This person is responsible for maintaining the monument in good order. Once a monument has been introduced into a churchyard it can only be removed by faculty (unless it is being removed for repair or alteration in which case see Part 3 of the Churchyard Memorial Regulations).
- 3.3 Cleaning of memorials. Generally cleaning should only be carried out to allow further conservation work or if the soiling is causing damage to the fabric of the memorial. The aim is not to make the memorial look new but to carefully remove harmful deposits or staining. The mildest and least damaging methods should be deployed; this will not only conserve the memorial but it will help to protect the many species (lichens, insects) that make a churchyard their home. [See Historic England's guidance on [Caring for Historic Cemetery and Graveyard Monuments](#)]

#### **Part 4. Placing items on graves**

- 4.1 Families and friends may wish to visit graves and leave behind floral or other tributes to their loved ones. In order to keep our churchyards looking at their best for all visitors, some items are not permitted.
- 4.2 Items which MAY be placed on a grave or above cremated remains include:
- Cut flowers – these must be removed as soon as they start to wither
  - Silk flowers – these must be removed when they become faded, dirty, dishevelled or discoloured
  - Integral flower receptacles forming part of a memorial (see paras 2.24 and 2.25 of the Churchyard Memorial Regulations), or a removable container (not glass) recessed completely into the ground
  - Spring bulbs - these may be planted in the soil of the grave
  - Easter and Christmas wreaths and Remembrance Day poppies – these should be removed after a period of not more than 2 months.
- 4.3 Items which MAY NOT be placed on a grave or above cremated remains include:
- Trees, shrubs, planted annual and perennial flowers – a grave should not take on a cultivated or garden appearance
  - Separate free-standing flower vases or containers
  - Angel or dove statuettes
  - Garden ornaments, bird baths, solar lights or decorations
  - Pictures
  - Textiles or clothes
  - Food or drink
  - Artificial flowers (other than silk flowers as above)
  - Personal belongings or memorabilia (and this includes toys or teddy bears).

Please note: If any such items are placed upon a grave or above cremated remains then they will be removed.

#### **Part 5. Churchyard Plans and Lists**

- 5.1 Every church which has a churchyard which is in use (or has been used in the past) for burials of either bodies or cremated remains or both, must have a scale plan of the churchyard and a cross-referenced list showing the names of the deceased persons buried. The requirements relating to these documents are set out in full in the [Diocesan Churchyard Plans and Records Regulations 1992](#).