

In the Consistory Court of the Diocese of YORK

Additional Matters Order No 1 of 2026

Churchyard Memorial Regulations

and

Churchyard General Regulations

1. This Additional Matters Order is made on 21 July 2026 pursuant to the power contained in section 78 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (as amended).
2. The advice of the Diocesan Advisory Committee has been sought prior to the making of this Order as required under section 78(4) of the Measure.
3. The matters specified in Schedule 1 to this Order may be undertaken without a faculty provided the procedure specified in Schedule 2 to this Order is followed. Schedule 3 sets out general provisions affecting churchyards.
4. Should any question arise as to whether a particular proposal constitutes a matter specified in Schedule 1, it is to be referred to the Chancellor by the minister for determination.
5. Application may be made to the Chancellor by the minister in relation to a particular proposed memorial for directions as to matters which are not specified in Schedule 1, but which are of a similar or comparable nature. The Chancellor may direct that such matters be treated as if they were so specified.
6. Should any question arise as to the interpretation of a matter specified in Schedule 3, it is to be referred to the Chancellor by the minister for determination.
7. This Order applies to the whole of the Diocese, save for any churchyard or burial ground expressly excluded by direction of the Chancellor. It does not extend to the consecrated parts of municipal cemeteries operated by local authorities.
8. Particular churchyard regulations previously authorised by faculty in respect of individual churchyards or burial grounds will continue in force where applicable until such time as the Chancellor directs otherwise.
9. For the purposes of this order, the term ‘minister’ shall be taken to mean the incumbent of the benefice in which the burial ground is situated. If there is no incumbent, or the benefice is for whatever reason vacant, then the person acting as priest in charge of the parish or the curate licensed to the charge of the parish shall be treated as the minister. If there is no priest or curate of that description (or if any of the aforesaid persons is unable or unwilling to act), the Area Dean of the deanery in which the parish is situated shall be deemed to be the

minister. In case of doubt, the matter may be referred to the Chancellor whose direction as to who shall be treated as minister for the purposes of this Order shall be conclusive.

10. This order shall come into force on 1st August 2026.
11. A copy of this Order is to be filed in the Diocesan Registry in accordance with section 78(5) of the Measure.



Lyndsey de Mestre KC
Chancellor of the Diocese
21st July 2026

Schedule 1. Matters Not Requiring a Faculty

CHURCHYARD MEMORIAL REGULATIONS

Part 1. General Provisions

- 1.1 The matters which may be undertaken without a faculty are:
 - (a) the introduction of a new memorial that complies with the specifications in Part 2 of this Schedule; and
 - (b) the repair or alteration of an existing memorial as described in Part 3 of this Schedule;provided that they have been approved in accordance with the procedure set out in Schedule 2. Churchyard Memorial Application Form.
- 1.2 Even if a memorial complies with the strict letter of these Churchyard Memorial Regulations, if the minister considers that the proposed memorial is not appropriate or proportionate within the setting of the churchyard they may decline to give permission and it will be necessary to petition for a faculty in such circumstances. Should any question arise as to whether a particular proposal constitutes a matter specified in Schedule 1, it is to be referred to the Chancellor by the minister for determination.
- 1.3 In this Schedule,

“base” means the component supporting a memorial on its foundation;

"cremated remains tablet" means a rectangular stone or slate tablet placed above the cremated remains of the person commemorated, the upper face of which is flush with the surrounding ground;

"foundation" means the element that connects a memorial to the ground and transfers the load from the memorial to the ground; the top surface of the foundation being flush with the surrounding ground or below ground level;

"grave" means the place of a coffin burial below ground level;

"headstone" means a "lawn memorial" or a "monolith memorial" erected at the head of a grave;

"incised" in relation to lettering, motifs, emblems or other images, refers to such being cut (either by hand or by machine) into the surface of the memorial;

"inscription plate" means a stone forming part of a memorial, into which is incised or carved in relief lettering relating to the person whose body is buried there or whose death is being commemorated;

"lawn memorial" means an independent vertical inscription plate attached to a horizontal base which is fixed to a foundation;

"memorial" means a freestanding object installed in a churchyard in memory of the deceased;

"minister" means the incumbent of the benefice in which the burial ground is situated; if there is no incumbent, or the benefice is vacant, then the person acting as priest in charge of the parish or the curate licensed to the charge of the parish shall be treated as the minister; if there is no priest or curate of that description (or if any of the aforesaid persons is unable or unwilling to act), the Area Dean of the deanery in which the parish is situated shall be deemed to be the minister; in case of doubt, the matter may be referred to the Chancellor whose direction as to who shall be treated as minister for the purposes of this Order shall be conclusive;

"monolith memorial" means an independent vertical inscription plate in a concrete foundation which is set directly into the ground;

"relief" in relation to lettering, motifs, emblems or other images refers to such being carved (either by hand or machine) so as to project from the surface of the memorial;

"the British Standard" means British Standard BS 8415:2018 Memorials within burial grounds and memorial sites – Specification, or any similar standard that may replace BS 8415:2018;

"wooden cross memorial" means a memorial in the form of a wooden cross erected at the head of a grave, into which is incised the name of the person commemorated and the date on which that person died.

- 1.4 Monumental masons must be satisfied that the ground has completely settled, that the soil and the grave has become stable, and that the monument can be safely and securely erected. In any case a minimum period of six months must elapse between the date of burial of the person commemorated and the approval of an application by the minister, unless the minister is satisfied that there are exceptional circumstances justifying the

curtailment of this time limit. A period of six months also provides a pause for thought to enable a dignified and considered inscription to be chosen.

Part 2. The Introduction of a New Memorial

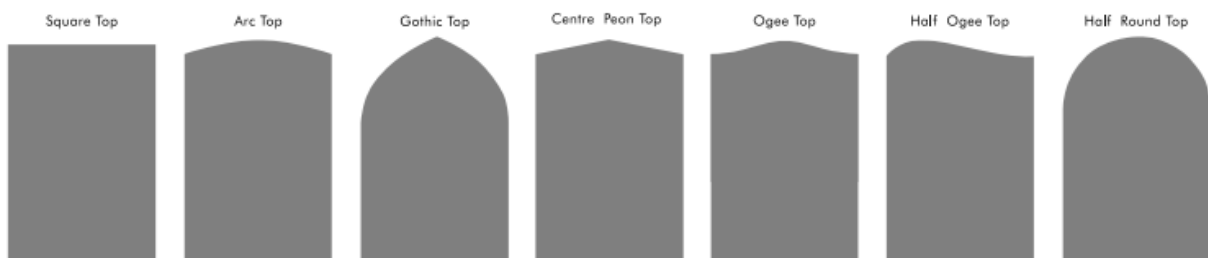
Basic principle

- 2.1 Any new memorial is erected so as to comply with the details specified in the British Standard, so far as relevant.

The form of a new memorial

- 2.2 The memorial is:
- (a) in the form of a headstone;
 - (b) in the form of a wooden cross memorial;
 - (c) in the form of a lawn memorial erected by or on behalf of the Commonwealth War Graves Commission;
 - (d) a cremated remains tablet;
- 2.3 In the case of a headstone, the shape of the inscription plate is one of those in Diagram 1, or one similar to one of the shapes in that diagram:

Diagram 1



- 2.4 In the case of a wooden cross memorial, adequate provision is made to prevent premature degradation below ground level.
- 2.5 The memorial does not include attached plaques, or kerbs, railings, chippings, statues, or other objects.
- 2.6 The memorial is located so that no part of it is closer than 1500mm to the wall of the church.
- 2.7 A monolith memorial above the burial of cremated remains is not permitted without a faculty. A faculty may be granted by the Chancellor in exceptional circumstances (such as the burial of cremated remains in a plot deemed unsuitable for a coffin burial). In those circumstances, the applicant should contact the Diocesan Registry.

The dimensions of the memorial

2.8 In the case of a headstone:

- (a) the height of the memorial is between 450mm and 1220mm;
- (b) the width of the inscription plate is between 375mm and 915mm;
- (c) the thickness of the inscription plate fixed to a base is between 75mm and 105mm;
- (d) the thickness of a slate monolith is between 38mm and 105mm;
- (e) the base, if any, is not larger than 915mm in width, 460mm in depth (front to back), and 155mm thick.

2.9 In the case of a wooden cross memorial:

- (a) the height of the cross is between 750mm and 1220mm;
- (b) the width of the cross is between 500mm and 815mm;
- (c) the thickness of the timber is between 40mm and 55mm;
- (d) the section of the memorial below the ground is at least one third of the height of the section above the ground; and
- (e) the wood must be from a sustainable source.

2.10 In the case of a cremated remains tablet:

- (a) the size and shape are similar to those of others in the immediate vicinity;
- and
- (b) in any case the longest dimension is not more than 450mm.

2.11 The height of a memorial is to be measured from ground level; and in the case of sloping ground or ground that has been re-contoured to accommodate the burial, “ground level” is the level of the ground immediately adjacent to the centre point of the rear of the base once the interment has been completed.

The materials and colour of the memorial

2.12 In the case of a headstone or a cremated remains tablet, it is made of slate or one of the following types of natural stone :

- (a) sandstone;
- (b) limestone; or
- (c) granite.

2.13 The colour of the slate or stone is not such as to render the memorial discordant in the context of the church and churchyard.

2.14 In the case of a headstone, the principal surface of the inscription plate is not polished or

reflective.

2.15 In the case of a cremated remains tablet, the surface is not polished or reflective.

The inscription on the memorial

2.16 Any inscription is:

- (a) factually accurate;
- (b) not considered by the minister to be likely to be offensive or controversial for any reason; and
- (c) not inconsistent with Christian doctrine.

2.17 The inscription includes:

- (a) the name of the person being commemorated (which may be or may include the name by which that person was generally known); and
- (b) the date or year in which that person died; and
- (c) either the date or year in which that person was born, or the age of that person at death.

(Conventionally such primary information is contained on the face which faces East)

2.18 Where any text in the inscription is in a language other than English, a translation has been supplied to the minister for retention in the parish records.

2.19 Any lettering is

- (a) uncoloured; or
- (b) coloured in one or two colours which do not render the memorial discordant in the context of the church and churchyard.

2.20 Any lettering on:

- (a) the inscription plate of a headstone;
- (b) a wooden cross; or
- (c) a cremated remains tablet

is either incised into the memorial or in relief and not more than 100mm in height.

2.21 In the case of a headstone or a cremated remains tablet, any motif, emblem or other image forming part of the design of the memorial:

- (a) is of a character commonly found in churchyard memorials, or is relevant to the life of the person commemorated;

- (b) is a fitting complement to the wording forming the rest of the design;
- (c) does not include any kind of picture, portrait, photograph or likeness of the deceased or any other human person;
- (d) does not exceed 33% of the face of the headstone; or, if there is more than one such, no more than 33% in total;
- (e) is either incised into or in relief of the stone;
- (f) is uncoloured, or coloured in such a manner that the memorial is not discordant in the context of the church and churchyard in a single colour; and
- (g) is not inconsistent with Christian doctrine (and for the avoidance of doubt masonic symbols are not acceptable)

2.22 In the case of a headstone, there is no trademark or advertisement except for a reference to the mason (in lettering not higher than 15mm on the side or the reverse of the memorial).

2.23 The memorial does not contain a QR code, or any other device intended to enable direct communication with an electronic resource.

Flower receptacles

2.24 Provided that the base measurements set out in 2.8(e) are not exceeded a headstone may include up to two integral flower receptacles the top of which must be flush with the top of the base.

2.25 A cremated remains tablet may include an integral flower receptacle the top of which must be flush with the tablet or ground surface.

Dispensation from Churchyard Memorial Regulations

2.26 A dispensation from these Regulations may be granted by the Chancellor solely in circumstances where a memorial is not of a size or type falling within the requirements of paragraphs 2.2 to 2.25 above but matches an existing memorial within the churchyard marking the grave of a family member. In those circumstances, the applicant should contact the Diocesan Registry, providing the following:

- (i) A copy of the completed application in the form annexed to Schedule 2.
- (ii) Photographic evidence of the existing memorial marking the grave of a family member within the churchyard which the proposed memorial will match.
- (iii) A PCC resolution confirming that the PCC has no objection to the proposed memorial.

The Chancellor will consider whether a dispensation from these Regulations should be given in relation to the proposed memorial without the need for a full faculty application.

Part 3. The Repair or Alteration of an Existing Memorial

3.1 Any existing memorial being repaired or altered has been lawfully introduced into the churchyard or has been in place for at least six years.

- 3.2 If a memorial is removed and re-erected in the course of being repaired or altered, it is removed without any disturbance to neighbouring graves or cremated remains plots and it is re-erected so as to comply with the details specified in the British Standard and within twelve months of its removal.
- 3.3 Any alteration of or addition to the inscription on a memorial is in the same style and finish as the original inscription; and the inscription on the memorial as altered complies with the paragraphs 2.16 to 2.23 above.
- 3.3 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. [See Historic England's guidance on [Caring for Historic Cemetery and Graveyard Monuments](#)]

Schedule 2. Approval Procedure

CHURCHYARD MEMORIAL APPLICATION FORM

The procedure to be followed prior to the undertaking of any matter contained in Schedule 1 is as follows:

- (a) An application in the form annexed to this Schedule is to be sent to the minister (as defined in paragraph 9 of the order);
- (b) Such form is to be duly signed by the applicant(s) and memorial mason;
- (c) If the minister or other authorised person gives permission, this is to be endorsed in writing in the relevant section of the form, whereupon the matter may proceed;
- (d) If an applicant petitions for a faculty to admit the said memorial, then for that purpose, under rule 20.6 of the Faculty Jurisdiction Rules 2015 (as amended), it is directed that the form annexed to Schedule 2 shall be treated as the petition.

Important Warning

Any memorial erected otherwise than in accordance with this procedure or erected without the authority of a faculty granted by the Chancellor, may lead to enforcement proceedings in which the Consistory Court may order removal of the memorial at the expense of the person or persons responsible, who may also be required to pay the court costs of such proceedings.

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 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](#)