

The Chester Diocesan Churchyard Regulations 2007

**(These can also be viewed via the Chester Diocesan Website:
Property Tab at the top of the page and the Churchyards tab on the left hand side)**

1: A consecrated burial ground of a Church of the Church of England is subject to legal control which is exercised by the Chancellor of the Diocese on behalf of the Bishop. No memorials may be erected, or any works undertaken, in a churchyard except by written authorisation or faculty as outlined below. A faculty is an Order made by the Chancellor as Judge of the Consistory Court of the Diocese.

2: The Chancellor delegates authority to the minister in charge of a Church – known as rector or vicar - (but not a curate or associate vicar) to approve memorials providing they meet the following criteria and the stipulated procedures are followed. Where there is no minister, this authority may be exercised by the rural dean, or in the case of a Team Parish by the relevant Team Vicar.

3: Memorials must be constructed and installed by a Memorial Mason in accordance with the Recommended Code of Working Practice issued by National Association of Memorial Masons ("the NAMM Code"). The memorial must also comply with British Standard BS 8415.

4: No memorial (including any type of gravestone and vases) shall be erected or placed in the churchyard until the approval of the minister has been obtained in writing. Applications for approval should give a full description of proposed memorial including the shape, design, measurements, inscriptions and type and finish of stone proposed to be used. The application must be submitted not less than 20 working days (normally Monday to Friday but excluding bank holidays) prior to the proposed date of erection. The minister must be given in writing at least 10 working days' notice of the day and time when the memorial is to be installed.

5: Applicants are advised not to accept any estimate or otherwise enter into a contract with a funeral director or stonemason until such written approval has been obtained.

6: The fact that there is a similar memorial – which does not comply with these Regulations - in a churchyard does not mean that the new memorial may be approved by the minister without a faculty or indicate that a faculty will be granted.

7: These Regulations only apply to memorials in Churchyards – not to memorials to be placed in Churches. A memorial in a Church will always require a Faculty.

8: A Memorial must relate to the person or persons who is/are buried or whose cremated remains are interred in the grave. The erection of a memorial to a person buried or interred elsewhere is not permitted.

9: MEMORIAL TYPES AND DIMENSIONS

Note: Some Parishes may adopt maximum dimensions for memorials in all or certain parts of their Churchyard which are smaller than those set out below – to reflect the character and setting of the churchyard and to maintain a degree of consistency in the dimensions of memorials. For example many Parishes have adopted a height limit of 3 feet. Memorial masons should always ask ministers of Parishes whether they have adopted a set of smaller dimensions.

If the dimensions of the proposed memorial exceed those set out below, a faculty will always be necessary

THE MINISTER WILL NORMALLY BE ABLE TO SANCTION:

MEMORIALS MARKING OR RECORDING THE BURIAL OF HUMAN REMAINS OTHER THAN CREMATED REMAINS

9.1 - a simple vertical memorial not exceeding 1200mm (4ft) high, measured from the surface of the ground, 900mm (3ft) wide and 150mm (6inches) thick with a plinth supporting the memorial not exceeding 300mm (12 inches) from front to back and projecting not more than 50mm (2 inches) beyond the back and not more than 75 mm (3 inches) beyond the sides of the memorial.

The memorial and plinth will normally be placed on a concrete foundation base – the top surface of this foundation base must be set below ground level.

The concrete foundation base should be placed on virgin ground – undisturbed by the digging out of the grave – but this may be practicable only when a new row is started (otherwise the memorials will be out of line).

(It is preferred that the plinth should incorporate a vase or other flower container sunk into its forward projection.)

9.2 - a simple vertical memorial not exceeding 1200mm (4ft) high, measured from the surface of the ground, 900mm (3ft) wide and 150mm (6inches) set directly into the ground without a plinth provided that the method of securing the Memorial is in accordance with the NAMM Code and the British Standard.

9.3 a simple wooden Cross not exceeding 450mm (1'6") in height (measured from the ground surface) and 300mm (1' 00") in width.

9.4 - a horizontal ledger memorial either flush with the surrounding ground so as not to impede a mower or raised not more than 225mm (9 inches) above a base which must not project more than 75mm (3 inches) all round and which itself must be flush with the surrounding ground, not exceeding 6ft (1800mm) in length and 3ft (900mm) in width.

MEMORIAL STONES, MARKING OR RECORDING THE INTERMENT OF CREMATED REMAINS

In Churchyards where memorials directly associated with the place of interment are permitted, EITHER - WHERE A PARISH PERMITS HORIZONTAL MEMORIALS ONLY:

a simple memorial stone (see para 13.2), placed horizontally in the ground, sunk so that its surface does not impeded a mower passing over it. Such a memorial must not exceed 533mm x 533mm (21 inches x 21inches).

OR - WHERE A PARISH PERMITS VERTICAL MEMORIALS ONLY:

9.5 - a simple vertical memorial not exceeding 610mm (2ft) high, measured from the surface of the ground, 460mm (21inches) wide and 75mm (3 inches) thick set on a plinth supporting the memorial not exceeding 305mm (12 inches) from front to back and projecting not more than 75mm (3 inches) beyond the back and not more than 75mm (3 inches) beyond the sides of the memorial, and not hereby causing the memorial to exceed the above dimensions. NB The NAMM Code applies to memorials exceeding 20 inches in height

10: DESIGNS

Memorials should be simple and be consistent with nearby memorials and the setting of the churchyard. Memorials need not be restricted to a rectangular shape and curved tops are preferable to straight-edged ones. Memorials in the shape of a heart are generally not permitted.

11: EPITAPHS AND INSCRIPTIONS

11.1 - Inscriptions must be simple and reverent and must receive the prior written approval of the minister.

11.2 - Additions may be made to inscriptions at a later date, following subsequent interments in the same grave or for other good reason, but any such addition or alteration to an inscription must be separately approved by the minister in writing. Similarly a replacement memorial will need written approval – and the approval of all the relevant family members must be supplied.

11.3 - The mason's name or mason's mark should be inscribed on the side or reverse of memorial stones, near the foot or on the plinth in letters no larger than 13mm (1/2 inch) in height, such letters to be unleaded and unpainted. No advertisement or trademark (other than as above) should be inscribed on a memorial.

11.4 - For all inscriptions plain cut lettering of good design is preferred. Cut letters may be picked out in paint or gilding if appropriate to the design of the monument as a whole. Leaded letters are not permitted on new memorials or existing memorials not previously leaded.

12: METHOD OF FIXING MEMORIALS

12.1 - Due regard must be paid to the nature of the ground and the problem of potential settlement. Memorials including the plinth and base must be placed on undisturbed ground. Memorials with or without a plinth may rest upon a foundation base or be set in concrete which does not rise above ground level, does not impede a mower or reveal itself in any unsightly way. Memorials inserted directly into the ground must be of an adequate depth below ground level and secured to ensure continued stability in accordance with the NAMM Code and the British Standard.

12.2 - Memorials must be constructed and installed with proper dowelling and anchored to the ground in accordance with the NAMM Code and the British Standard.

13: MATERIALS FOR MEMORIALS, ETC.

13.1 - Memorials must be made of a natural stone which is harmonious with its surroundings and the setting of the Churchyard. Native stones traditionally used in local buildings and memorials, or stones similar to them in colour and texture are preferred. Memorials of concrete, pottery, ceramic, wood, plastic, metal or fibreglass materials are not permitted. Reconstructed or reconstituted stone will be acceptable provided it meets British Standard BS 6457 (1984). A wooden cross is permitted.

13.2 - Natural unpolished stone will be insisted on in contexts such as ancient churchyards or areas immediately surrounding traditional church buildings or other areas of graveyards possessing a predominantly traditional setting.

13.3 - However, in areas of churchyards of more recent date, imported and highly finished stones may be commonly found and in such cases materials such as black, grey, blue and red granites (polished or unpolished) may be permitted at the discretion of the minister. White marble is not permitted save for infant burials. When ministers feel any doubt they should require the applicant to apply for a faculty.

14: PHOTOGRAPHS etc

The minister does not have authority to approve the use of a photograph or an inscribed portrait or other representation of the deceased as part of a memorial or the affixing of porcelain or plastic portraits to a memorial. Save in the most exceptional circumstances a Faculty is unlikely to be granted.

15: TREATMENT OF GRAVESPACES AND MAINTENANCE

15.1 Kerbs, railings, posts or chains and similar items to enclose a grave are NOT permitted

15.2: The use of chippings or similar materials to cover the surface of a grave is NOT permitted

15.3: Spring and autumn bulbs may be planted in the soil of any grave in a position adjacent to the headstone - but not trees, shrubs or other plants. The flowers etc of such bulbs are liable to be mown in the ordinary course of churchyard maintenance.

15.4: The surface of the grave must be levelled and any mound removed within 6 months of a burial having taken place. It should be levelled and turfed or seeded for grass to allow for mowing.

15.5: Wreaths and floral tributes may be laid upon a grave and cut flowers arranged in metal or stone vases placed on the memorial plinth. If there is no plinth, a vase may be sunk into the ground below ground level so as not to impede a mower when not containing flowers. Glass, ceramic and plastic containers are not permitted.

Silk and other good quality artificial flowers are permitted but once the type of flower is out of season they are liable to be removed. PLASTIC flowers are not permitted.

Persons who carry out the day-to-day upkeep of the churchyard may remove wreaths, cut flowers etc when they appear to be withered or dead. Faded or decaying artificial flowers may be removed

15.6: Soil dug from a new or existing grave and parts of existing memorials removed prior to a further burial in a grave must not be placed on other graves, on pathways or otherwise in a manner which obstructs access to other graves.

16: CREMATED REMAINS

Cremated remains must not be scattered on the surface of the ground and must be interred into the earth preferably without a casket or other container. Arrangements for interment must always be made only after prior consultation with the minister.

17: REMOVAL OF MEMORIALS

At least ten working days' prior written notice must always be given to the Minister before a memorial is removed – whether for a further inscription or for replacement. The notice must specify the day and time when the memorial is to be removed.

18: MEMORIALS FOR WHICH A FACULTY MUST BE OBTAINED

18.1 - Applications for memorials the design or dimensions of which fall outside the conditions outlined above, shall be made by means of an application for a FACULTY to the Diocesan Registry, Friars, White Friars, Chester CH1 1XS.

18.2 - Individually designed memorials are not discouraged but are subject to the procedures for scrutiny and advice provided for in the Care of Churches Measure, etc. 1991 and A FACULTY MUST BE OBTAINED for any such memorial.