

## Diocese of Derby

# General Regulations for the Erection of Memorials and Gravestones in Churchyards

### Preface

1. Any memorial needs permission before it can be placed in a churchyard. These Regulations are made by the Chancellor of the diocese of Derby to explain how to get permission, and what is likely to be permitted. If a memorial or other item is placed in a churchyard without permission, then the Chancellor can order its removal immediately.
2. This preface does not form part of the Regulations, but is provided to assist with better public understanding of the background to the Regulations.
3. Churchyards differ from local authority cemeteries in that they are attached to a church building which is often listed, or otherwise of historic or architectural interest, and used by a worshipping community. For this reason, there needs to be more careful control over what memorials can be placed there.
4. The control is provided by the requirement for a faculty (permission) from the Chancellor before any memorial can be placed in a churchyard. It would be both expensive for those looking to install memorials (there is a fee payable on the application for a faculty) and onerous for the Chancellor if every memorial had to be individually approved, so, for that reason, these Regulations set out certain classes of memorial which are considered generally acceptable. In these cases, the decision to permit a memorial can be made by the Vicar<sup>1</sup>.
5. If the proposed memorial is within these Regulations, permission can be granted by the Vicar. The Vicar is not obliged to grant permission for a memorial within the terms of these Regulations, however, if he or she considers it unsuitable. If the Vicar is in any doubt, after consultation with the Archdeacon in accordance with these Regulations<sup>2</sup>, she or he is encouraged to refuse permission, so that the request can be more fully considered. If the Vicar refuses permission, then an

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<sup>1</sup> Vicar includes Rector, Priest-in-Charge or, during a vacancy, Area Dean.

<sup>2</sup> The Archdeacon has authority to permit memorials that are not strictly within the Regulations in appropriate circumstances.

application can be made to the Chancellor for permission. **If a memorial does not comply with these regulations, the Vicar has no authority to grant permission.**

6. If a proposed memorial is not of a type permitted by these Regulations, this means that it is not considered generally acceptable and so will need detailed consideration before it can be permitted. Certain types of memorial are out of keeping with the churchyards of the diocese and are considered generally to be unsuitable and, as such, would only be permitted in exceptional circumstances.
7. The judgment as to what is generally acceptable or generally unacceptable is based on many years' practical experience. It is informed by wide consultation and takes account of a variety of factors. In particular, memorials in a consecrated churchyard must not be contrary to, or indicative of any departure from, the doctrine of the Church of England in any essential matter, although in a secular and multicultural age they do not have to be positively Christian in character. The appearance of a memorial is also important. It should be of a modest and sober appearance, which will not cause it either to stand out or to detract or distract from the atmosphere of the churchyard as a place of quiet prayer, reflection and commemoration. Since a churchyard frequently forms the immediate surroundings to a church, it is necessary to consider whether the proposed memorial will add to or detract from those surroundings. This is particularly important where the church is listed, as a listed building is given a special status by the secular law. Finally, it is important to consider the impact of a proposed memorial on practical aspects of the life of a church, such as churchyard maintenance and health and safety.
8. It must be stressed that these Regulations do not place limits on what may be permissible. They mark the limits of the Vicar's authority to grant permission. If a design which does not fall within these Regulations can be justified, it may be permitted by the Chancellor. The presence of existing memorials which do not conform to these Regulations does not, however, necessarily set a precedent for further such memorials.

## **Introduction**

9. These Regulations describe memorials which will generally be acceptable in the churchyards of the diocese. A memorial which is within the terms of these Regulations is likely to be permitted. A memorial which is outside the terms of the Regulations is less likely to be permitted. Some types of memorials will only be permitted in exceptional circumstances. These Regulations only apply to

memorials and gravestones. Anyone wishing to introduce any other item into a churchyard should discuss this with the Vicar.

10. Some churchyards have their own regulations which have been approved by the Chancellor to accommodate particular local conditions. If so, those local regulations will apply in place of these ones. Parishes may seek approval of local variations to these Regulations from the Chancellor. Anyone with questions as to the applicability or operation of these Regulations should check with the Vicar or Registry Office (details below).
11. Records of burials, interred ashes and reserved grave spaces are kept by the church. These should be accurate and kept up-to-date. Questions as to the locations of burials and the availability of grave spaces should be addressed to the Vicar, in the first instance.

### **General principles**

12. The Vicar may permit *either* an upright headstone *or* a horizontal slab on each grave, provided that it falls within the standard specifications set out in the following sections, and the sections on materials and inscriptions below.
13. Any memorial permitted under these Regulations must be fixed securely and in accordance with BS8415 and the construction dowels and fixings should be in accordance with the National Association of Memorial Masons' code of working practice.
14. These Regulations also contain provisions on commemoration after cremation, flowers and churchyard maintenance.

### **Standard Specifications**

#### *Upright headstones*

15. In order to fall within the standard specifications, an upright headstone must be of the following dimensions:
  - a. Adult headstones between 75cm (30") and 120cm (48") in height; 50cm (20") and 90cm (36") in width; and 7.5cm (3") and 15cm (6") thick, but in the case of slate 2.5cm (1") thick;

- b. Headstones for children may be smaller but no less than 60cm (24") in height, 37.5cm (15") in width and 5cm (2") thick.
16. In order to fall within the standard specifications, an upright headstone must be of one of the following three designs:
- a. Inserted directly into the ground to sufficient depth to ensure stability; or
  - b. On an integral base which does not project above the ground by more than the thickness of the gravestone and does not project beyond the gravestone by more than 10cm (4") in any direction;
  - c. On a vase base, where the receptacle for flowers shall be flush with the top of the base and may extend up to 20cm (8") in front of the headstone.
- The Vicar may permit headstones, the top of which is not horizontal, provided that the Vicar is satisfied that the shape or style of top is appropriate for the churchyard.
17. Alternatively, a simple wooden cross is within the standard specifications if it is not more than 90cm (36") tall.
18. Alternatively, a flower vase is within the standard specifications if it is not more than 30cm (12") in height and fixed securely to a foundation stone of not more than 50cm square (20" by 20") flush with the ground.

#### *Horizontal slabs*

19. A horizontal slab is within the standard specifications, if it is no larger than 210cm (84") by 90cm (35"), including the base. Any base should extend no more than 12.5cm (5") around the stone and itself be flush with the ground.

#### **Standard specifications: materials**

20. Materials must harmonise with the natural local landscape and local stones are to be preferred. In certain churchyards within the Peak District National Park, sandstone only is permitted in sandstone areas and limestone only in limestone areas.
21. Subject to this, the Vicar may permit a memorial in any of the following materials:
- a. Limestones (including Nabresina, Boticino and certain suitable Portuguese stones), sandstones, Stancliffe or Darley Dale stone, grey granite (no lighter

- than Light Grey and no darker than Rustenburg grey and matt (unpolished) and slate;
- b. Wood (teak and oak).

### **Standard specifications: inscriptions**

22. The Vicar may permit an inscription which:

- a. is simple, reverent and not contrary to the doctrine of the Church of England;
- b. is set out in plain carved lettering. Lettering may be painted a shade lighter or darker than the natural colour of the stone. On some sandstones and granites, raised lettering standing out from the cutaway stone can be effective. The mason's name may be inscribed at the side or on the reverse of the headstone in unpainted and unleaded letters not larger than 15mm (3/4") in height;
- c. includes, if desired, a scriptural text, or extract or quotation from the Book of Common Prayer, a hymn, a poem or other suitable phrase. If a scriptural text is used, it is not necessary to give the reference.
- d. is in English.

23. The Christian name and surname of the deceased should be given, with age and date (or year) of death, or the years of birth and death. Nicknames and terms of endearment may additionally be permitted in appropriate cases.

24. The Vicar may also permit the uncoloured inscription of a badge or insignia from the armed forces (with written permission from the regiment or other body).

25. Additions may be made to an inscription at a later date following a subsequent interment in the same grave, but approval is required and the wording must be consistent with the original inscription.

### **Archdeacons' authority**

26. Archdeacons have general authority from the Chancellor to allow applications that are not strictly within these Regulations, if they consider it appropriate. This includes, but is not limited to:

- a. Inscriptions in Latin or Greek;
- b. Small (not more than 10cm (4") by 10cm (4")) well carved and uncoloured engravings depicting some item of particular relevance to the deceased;

- c. Gilded or silvered lettering.
27. Where a memorial falls outside the standard specifications set out above, the Vicar should therefore consult the Archdeacon. If (i) the Archdeacon is satisfied that, in the churchyard in question, the memorial does not represent a significant or harmful departure from the terms of these Regulations; and (ii) the memorial does not fall within the lists at paragraphs 29 and 30 below, then, with the Archdeacon's approval, the Vicar may permit the memorial even though it falls outside the standard specifications.
28. If the memorial falls outside the standard specifications and the Archdeacon does not or cannot approve it, then permission can only be granted by making an application to the Chancellor. Permission granted by the Chancellor is known as a "faculty". There is a fee payable on the application for a faculty. Faculty application forms may be obtained from the Registry Office (whose contact details are given below). There is no guarantee that a faculty will be granted for a memorial which falls outside the scope of these Regulations. Individually designed memorials which fall outside the scope of these Regulations, but which will contribute to and enhance the appearance of the churchyard, are not to be discouraged.

### **Other designs of memorial**

29. A faculty from the Chancellor will be required for the following memorials or features:
- a. Memorials in the form of an open book or a standing cross (other than a wooden cross permitted by paragraph 17). The reasons for seeking a memorial in one of these forms should be set out in the application;
  - b. Inscriptions in languages other than English, Latin or Greek.
30. The following memorials or features will generally be considered unsuitable and unacceptable in the churchyards of the diocese. They will therefore only be permitted by the Chancellor in exceptional circumstances:
- a. Memorials in highly polished, brightly coloured, black or white materials, including black, blue, red, green or white granites and all polished granites; any marble, synthetic stone, terracotta, metal, glass or plastic;
  - b. Memorials in the shape of a heart or any other object (other than an upright headstone, a horizontal slab, a cross or a book, as above);

- c. Memorials with kerbed surrounds, railings, chains, chippings or glass shades;
- d. Cursive script; leaded lettering; trademarks or advertisements;
- e. Large (more than 10cm (4") by 10cm (4")) carved, but uncoloured motifs or images, and coloured or painted motifs or images of any size;
- f. Images of the deceased, whether photographs, etched photographs, ceramic portraits or cameos;
- g. Stone, concrete, metal, plaster, glass or plastic objects, e.g. model people, animals or toys;
- h. Freestanding containers e.g. vases or birdbaths
- i. Moving items such as windmills or windchimes;
- j. Lighting, including solar lights or candles;
- k. QR or other machine-readable codes.

### **Commemoration after cremation**

31. It must be stressed that the scattering of ashes or unauthorised interment of ashes is never permissible in a churchyard. Cremated remains may be interred in an existing grave, or otherwise in a part of the churchyard specifically reserved for this purpose under the authority of a faculty. Where an area of the churchyard is set aside by faculty, then conditions will be laid down as to the manner in which the deceased may be commemorated. Usually and preferably this will be done by means of a Book of Remembrance kept in the church. Subject to the provisions of any faculty, the Vicar may permit stones to be laid over cremated remains, provided they are flat tablets no bigger than 40cm (16") by 40cm (16"); and laid flush with the ground.

### **Flowers**

32. The Vicar may permit flowers to be placed in the churchyard, provided that they are:

- a. Real flowers or, if artificial, made from silk or similar fabric, but not plastic (save for Remembrance poppies); and
- b. Not wrapped in plastic, tied with a bow or in a temporary container; and
- c. Placed in the receptacle for flowers, where one is incorporated into the design of the memorial; or
- d. Otherwise, laid on the ground or placed in a temporary removeable receptacle or vase which is secured to the ground. There may not be more than 3 such containers on any one grave.

33. The Vicar may remove and dispose of or authorise the removal and disposal of any flowers which do not comply with these conditions.
34. The Vicar may permit bulbs to be planted in the soil on any grave, but the Vicar may not permit the planting of trees, shrubs, conifers or other perennial plants in the soil on a grave.

### **Churchyard Maintenance**

35. The Vicar may give written permission to the owner of a memorial for the cleaning, repair and renovation, altering of or adding to the inscription, of a memorial of up to 50 years old, including the temporary removal of a memorial for these purposes. The cleaning, repair and renovation of memorials must be in accordance with Church Buildings Council and Historic England Guidelines and the memorial must still comply with these Regulations. Works to memorials over 50 years old will require a faculty.
36. The Vicar may remove or authorise the removal of any flowers, and any temporary receptacle or vase containing them, if they are:
  - a. Wilted or dead (in the case of real flowers); or
  - b. Broken, damaged or otherwise unsightly (in the case of artificial flowers).
37. Small items, such as models or soft toys, and seasonal tributes, other than flowers, should not be placed in churchyards without permission. The Vicar may, at her or his discretion and on such conditions as she or he may impose, authorise such items to be placed and left on a grave for such period not exceeding a year from the last interment or two months from their placement as she or he may determine. If such items are placed on a grave, the Vicar may remove and dispose of or authorise the removal and disposal of such items from the churchyard, however long the items have been present, at any time after the authority granted has expired, or sooner if the items have become broken or unsightly, on condition that:
  - a. The items are retained for two months before their disposal; and
  - b. Upon removal, notice is given to the relatives of the deceased and/or left at the grave that the items have been removed from the grave, where they are being kept and when they will be disposed of, so that they can be collected, if required.

38. Any items placed on a grave without permission may be removed by the Vicar immediately, particularly if the items are offensive or are or have become broken or unsightly, however the removal of such items is subject to the same conditions as items authorised under paragraph 37.

### **Contacts**

39. General information about the operation of these Regulations and faculty application forms can be obtained from the Derby Diocesan Registrar at the Derby Diocesan Registry Office, LBMW, 1 The Sanctuary, Westminster, London SW1P 3JT - 020 7222 5381.

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