Diocese of Winchester

Handbook for the Bereaved

1. Jesus felt compassion for those who mourned and experienced grief personally. He joined the sisters of his friend, Lazarus, at Lazarus' tomb, and they all wept together (Gospel of St John, Chapter 11). Please be assured in your grief that the church stands ready to support and assist you and those close to you.

2. This document has been produced to help anyone arranging the burial of the body or interment of cremated remains of a loved one in a churchyard in the Diocese. It is intended to provide a brief explanation of the significance of our churchyards. It also explains who can be buried or interred in a churchyard and how relevant permissions, including to erect memorials, are obtained. Please take time to read it carefully.

3. You might have questions which are not answered in this document, in which case you should raise them with the **Minister** of the relevant churchyard or with the **Registry**. We intend to make the rules and practices as simple and open as possible.

Definitions

4. The following technical terms which are used in this document have the definitions set out below.

    - **Parochial Church Council (PCC)**: the legal body which runs a parish church;
    - **Minister**: the priest who has pastoral responsibility for a church and churchyard: if you are unsure about who this is, please contact the **Registry** for information;
    - **Consistory Court**: the ecclesiastical court of law in Winchester Diocese which may give permission for various matters to be carried out;
    - **Chancellor**: the judge who presides over the **Consistory Court**;
    - **Faculty**: formal permission from the **Consistory Court** to carry out a proposed act;
    - **Registry**: the Diocese's legal department and advisors. The **Registry** can be contacted on 01722 432390 or registry@battbroadbent.co.uk or at the Diocesan **Registry**, Batt Broadbent Solicitors LLP, Minster Chambers, 42-44 Castle Street, Salisbury, Wiltshire, SP1 3TX;
    - **Regulations**: the Diocesan Churchyard Memorial **Regulations**, i.e. the legal rules which set out what kind of memorials are permitted in churchyards in the Diocese of Winchester. A copy of the full **Regulations** can be read online here on the Diocesan website or a paper copy can be obtained from the **Registry.**
    - **Memorial Mason**: a qualified stone mason (registered with either the British Register of Accredited Memorial Masons or the National Association of Memorial Masons or on the Register of Qualified Memorial Fixers

https://rqmf.org.uk) who must advise on the design and installation of a memorial in a churchyard.

Churchyards and the right to be buried in them

5. Churchyards are a part of our national history. They matter to many people, especially those whose loved ones' remains rest there. But they are also important to parishioners, historians, archaeologists, ecologists, visitors and many others.

6. Churchyards are consecrated ground; they are set aside for burials and they are places for quiet contemplation and remembrance.

7. Not everybody is entitled to be buried in a particular churchyard. Anyone who lives or dies within the relevant parish boundary, or whose name is on the electoral roll of the parish church concerned, has a right to be buried in the churchyard if there is still space. Otherwise, the consent of the **Minister** of the church and the **Parochial Church Council ("the PCC")** will be needed, and they will usually look for a significant connection between the person and the parish before giving their consent.

8. It is for the **Minister** to decide where in the churchyard any given burial shall take place. It is important to understand that the **Minister** can give no promise or assurance to anyone that at some point in the future they will allow or arrange for their burial to take place in the churchyard at all or in any particular place in the churchyard. However, it is possible to apply for a **Faculty** to reserve a grave space in some churchyards, but not in every churchyard. The only person who can grant such a **Faculty** is the **Chancellor**. The **Chancellor** is unlikely to grant such a **Faculty** if the churchyard is on the point of being full, with no parts being capable of allowing reburial. This is because it is not thought right to deprive parishioners, present or future, of their right to be buried there. The **Chancellor**, considering such an application, will want to know whether the **Minister** and the **PCC** support the application.

Permanence of burial and ownership and care of memorials

9. It is also important that anyone considering burial in a churchyard understands that once human remains have been buried or interred in a churchyard it is very rare for the exhumation and relocation of those remains elsewhere to be allowed. Only in exceptional circumstances would that be permitted. The Christian expectation is that once remains have been buried or interred they will rest in peace awaiting the final resurrection of the dead.

10. Anyone who thinks that they may wish at some time in the future to move the remains of their loved one to some other location might wish to consider burial or

interment in the unconsecrated part of the local cemetery, where the rules about exhumation are less strict.

11. Although neither burial nor interment, the erection of a memorial, nor the reservation of a grave space confer any rights of ownership over the ground in question, any memorial remains the property of the person who commissioned it, and after their death belongs to the heir of the person commemorated. That person is responsible for maintaining the monument in good order. Where this does not occur, the PCC may take necessary steps to manage the memorial to ensure safety in the churchyard, but must have permission from the **Chancellor** for any permanent changes.

The Regulations governing churchyard burials, interments and memorials

12. To help protect the special character of our churchyards, the **Regulations** set out basic rules about the memorials that can be introduced into our churchyards. These rules are different to those which apply in local cemeteries. This Handbook provides further relevant information about the ways in which churchyards are controlled, so that they can be places of peace and solace for all.

13. The family of the deceased do not own the land in which a body is buried or the plot in which cremated remains are buried: the land remains part of the churchyard.

14. Our churchyards are often maintained and cared for by volunteers. Accordingly, graves must be flat and kept clear of obstructions so that the grass can easily be cut. This means that graves may not be marked out by chippings, kerbs, chains, railings, fences or anything similar. Freestanding vases are not permitted, but vases may be incorporated within the dimensions of a memorial which is permitted by the **Regulations**. Although some of the items in this paragraph have been permitted in the past, the practical problems they present for maintenance of the churchyard mean that they are no longer permitted.

15. Coffin burials may be marked with upright headstones. Care must be taken to see that all new headstones fit into their surroundings. That is why native natural stone is preferred, and why polished granite or marble and artificial materials are not permitted. The **Regulations** set out full details of acceptable materials and finishes.

16. The inscription on any memorial must be one that is appropriate for a churchyard setting. Traditionally it has been said that any inscription should honour the dead, comfort the living and inform posterity. To achieve that objective, the **Regulations** say that the inscription must be factually accurate, not offensive, and not inconsistent with Christian doctrine.

17. If it is likely that there will be a further burial in the same grave in the future then sufficient space should be left on a headstone for an additional inscription to be added later.

18. Sometimes people wish to have an engraving on the memorial that depicts the life and interests of the deceased. These will usually be allowed provided that they are modest in size, not occupying more than 20% of the surface area of the inscription plate. Usually, such engravings will not be allowed to be in colour. Insignia (such as those associated with regiments and even football clubs) are very often copyrighted in which case their use would require the consent of the copyright owner. Memorials in churchyards must not contain photographs or QR codes or links to electronic resources.

Cremated remains

19. Some churchyards have space for the interment of cremated remains, usually in a specially set aside area. There are rules about the types of permitted memorial. Usually, it is a flat stone laid flush with the ground surface and bearing an inscription. In some churchyards or areas in churchyards, the only permitted memorial of cremated remains is having the deceased's name recorded in the Book of Remembrance kept in the church.

20. The **Regulations** apply to churches which have not adopted their own special rules about memorials for cremated remains. You should ask the Minister of the churchyard in question whether that is the case for their churchyard.

Other items in a churchyard

1. In addition to features such as kerbs, railings and chippings, other items such as toys, candles, lights, statues, pot plants and artificial flowers and artificial grass are not allowed under the **Regulations**. Cut flowers and wreaths, including Remembrance poppies, may however be left on a grave, or in an authorised vase (see para. 14 above).

2. However, in exceptional cases (such as the burial of a child or young adult) special arrangements for items around a grave may be permitted by agreement, on a temporary basis for a period of time, usually no more than one year: those arranging such burials should speak about this to the **Minister** in the first instance.

3. Generally, if prohibited items are introduced to a churchyard without a **Faculty**, they will be removed by or on behalf of the **Minister**. That may involve an application to the **Consistory Court** and the person who has introduced the items unlawfully may not only be required to pay for the cost of their removal, but also the court costs involved.

How to arrange burial or interment and how to apply for permission for a memorial

4. Anyone wanting to take forward the possibility of having their loved one's remains laid to rest in a churchyard should arrange to meet and discuss this with the **Minister** of the church concerned. It will be important that before doing so they should have read this document and satisfied themselves that they are content with the necessary restrictions that come with a churchyard burial. These restrictions are fully described in this Handbook and the **Regulations**.

5. Six months needs to follow after a burial of a coffin before a memorial can be erected, to allow the ground to settle. However, an application for such a memorial can be made before that period expires. Your **Memorial Mason** can advise about when a memorial over cremated remains can safely be installed.

6. One of the matters to discuss with the **Minister** will be what type of memorial is to be erected at the site of burial or interment. Because churchyards are a public space and because the family do not own the plot of land in which their loved one is buried, there are restrictions about the type of memorial that can be erected. The **Minister** is able to give permission for a memorial to be erected that meets all the requirements of the **Regulations** (as to size, shape, type of material and the actual inscription and any engraving that is to be on the face of the memorial).

   The application form for a memorial

7. A standard application form for permission to erect a memorial is available online here on the Diocesan Website – application form for churchyard memorials. Alternatively, a paper copy of the application form can be obtained from the **Registry**. The application form asks for details about the applicant and their relationship to the deceased. It also asks a number of questions about what consultations about the proposed memorial there have been with other close relatives of the deceased and what the views of other members of the family are. The **Minister** considering the application needs to know about these things as there have been occasions in the past where family disagreements about memorials have surfaced very late in the day, to the upset of all concerned.

8. All memorials must be installed by a fully qualified and registered **Memorial Mason**. That is because in addition to the **Regulations** there are other national legal requirements about the installation of memorials in churchyards. In particular, there is *British Standard 8415:2018 Memorials within burial grounds and memorial sites – Specification.*

9. **Memorial Masons** are familiar with these requirements and will ensure that everything is done correctly. They will also be able to assist in completing the application form and advising about the types of stone, designs, dimensions and other details necessary to comply with the **Regulations**. You should therefore consult a **Memorial Mason** as soon as possible to assist you with the application for a memorial.

10. When the application form has been completed and signed by the applicant and by the **Memorial Mason** (who has a significant part of the form to complete themselves including providing a scale drawing of the proposed memorial and the inscription), it should be provided to the **Minister**. Ideally this will be done online or by email, but if that is not possible a paper copy should be provided to the **Minister**.

The Minister's decision

(a) Where the application complies (or almost complies) with the Regulations

11. If, when the **Minister** receives the application, they are satisfied that it complies with all the **Regulations** as to type, shape, size, and they are satisfied with the inscription, they can authorise the introduction of the memorial.

12. If the proposed memorial almost complies with the **Regulations**, but not quite, then if the **Minister** would otherwise be happy for it to be introduced into the churchyard, the **Minister** can ask the **Chancellor** to say that although it is not quite compliant, the memorial can be treated as if it complied with the **Regulations**. Examples of such cases include where the shape is slightly different from the standard range, perhaps because it has shoulders, or the dimensions are very marginally outside the maximum or minimum permitted dimensions. If the **Chancellor** says the memorial can nevertheless be treated as if it were compliant, then the **Minister** can give permission for its installation.

(b) Where the application complies with the Regulations but the Minister is not content with what is proposed:

13. The **Minister** is not required to give permission for a memorial which satisfies the **Regulations**. For example, the **Minister** might feel that a proposed memorial would look out of place in the churchyard as being much bigger than all the existing memorials, even though the proposal is within the sizes permitted by the **Regulations**. Or the **Minister** may be aware of other issues that make them uncomfortable about allowing what is proposed.

14. In such circumstances the **Minister** will set out their concerns on the application form and return it to the applicant. The applicant will then need to consider whether they wish to amend their application in a way that will satisfy the **Minister's** concerns e.g. by reducing the size of the memorial if that was the issue. On the other hand, if such accommodation is not possible, the applicant will need to decide whether to apply for a **Faculty** from the **Chancellor**. The procedure for obtaining a **Faculty** is set out below.

(c) Where the application does not comply with the regulations.

15. If the proposed memorial does not comply with the **Regulations**, the **Minister** is not authorised to permit the memorial and must return the application form to the applicant saying so. The applicant must then decide whether to change their proposal to one that does comply with the **Regulations** or whether they wish to apply (and the technical word for such an application is a "petition") for a **Faculty** from the **Chancellor**. The procedure for obtaining a **Faculty** is set out below.

(d) Timescales

16. It would be hoped that in most cases the **Minister** will reply to the applicant within 28 days of receiving the application form. Of course, there will be occasions when that cannot be done, for example if the **Minister** is on holiday or if the **Minister** needs to consult the **Chancellor**.

17. If after 28 days there has been no response, the applicant should feel free to contact the **Minister** and ask when they might expect to have a reply. In the absence of any satisfactory response to such an enquiry, it is suggested that the applicant contact the **Registry**. It would be hoped that the **Registry** would be able to ascertain the cause of any delay and to help bring the matter to a speedy conclusion so far as the **Minister's** role in this process is concerned.

(e) Applying for a Faculty for a memorial which does not comply with the Regulations

18. If the **Minister** has declined to grant permission for the memorial or if the applicant wants a memorial that does not comply with all the requirements, the applicant can seek a **Faculty** for the memorial from the **Chancellor**.

19. In such a case, before formally applying for a **Faculty**, the applicant must:

    a. seek informal guidance from the **Registry** about whether their proposed memorial is likely to be granted a **Faculty** or not, and
    b. consult with the Winchester Diocesan Advisory Committee (generally referred to as "the DAC"). This body consists of a number of people with specialist skills and experience who can advise the **Chancellor** about the various issues that will need to be considered when deciding whether or not to grant a **Faculty**. Consultation of the DAC is required by the **Faculty** Jurisdiction Rules 2015, rule 4.1.(1). Any approach to the DAC should be made through the DAC Secretary at dac@winchester.anglican.org 01962 737306/8 or you should contact the **Registry** for help and advice

20. When dealing with petitions for memorials, the **Chancellor** encourages well-conceived designs by skilled and imaginative craftsmen which are sensitive to the context of a churchyard. Working with the bereaved on a memorial which is truly personal can be highly significant in helping people deal with their grief. The Lettering Arts Trust (formerly known as Memorials by Artists) is able to help identify such craftsmen.

21. To begin the formal process of applying for a **Faculty**, the applicant must notify the **Registry** that they wish to apply for a **Faculty** and ensure that the **Registry** has a copy of the application form.

22. Applications for a **Faculty** involve the work of a number of professional people and therefore a fee (fixed by Parliament) is payable by the applicant. The **Registry** will advise about the level of fees and how they are to be paid.

23. Under Schedule 2, paragraph (d) of the **Regulations**, the application form will be treated as the **Faculty** petition. The **Faculty** Jurisdiction Rules require that public notice is given about the application for **Faculty**. The **Registry** will advise how public notice is to be given. Anyone is then able formally to object to the proposal and even to become a party to the case, although it is very rare for people to take that step. In considering the application, the **Chancellor** will almost certainly want to know the views of the **Minister** and the **PCC**.

24. When all these processes have been completed the **Chancellor** will consider all the material that has been submitted and make a decision as to whether or not to allow the proposed memorial. If it is allowed it may be subject to conditions, for example about the precise size or about the wording on the inscription plate.

Chancellor of the Diocese of Winchester

October 2025