

## The Parish of Milton & Denton A Guide to Churchyard regulations

Unlike civic cemeteries, the regulation of churchyards is by “Measure”. These are proposed by the General Synod the Church of England to Parliament. After being approved by both houses of Parliament and having received Royal Assent, a “Measure” has the same force in law as an Act of Parliament.

**The Rector, Church Wardens and Parochial Church Council have a duty to apply these measures, but no authority to overrule them.**

If a member of the public wishes to appeal against the interpretation of a Measure, they may apply to the Diocesan Chancellor for a Faculty. The Diocesan Chancellor is a senior legal professional, possibly a judge, appointed to deal with the law in these respects. A Fee is payable, and is non refundable even if the faculty is not granted. Whatever may be allowable in civic cemeteries is not *necessarily* allowable in churchyards. In Cemeteries the grave plot is bought, and deeds issued. In a churchyard the grave remains the property of the parish, and can **not** be bought or sold.

The churchyard at St Peter & St Paul’s is legally “closed”. This means that the Home Office has applied to the Queen through the Privy Council, for an order legally preventing the digging of new graves, because doing so would disturb existing graves. It also means that maintenance of the churchyard becomes the responsibility of the Borough Council. Ashes *may* still be interred, and the Rector can give permission within scope of strict regulations.

There is no absolute right to erect a memorial in a churchyard. Permission to erect a memorial is granted under a “Measure” as a “privilege”. Application is via the Rector, and it is within the regulation of the “Measure” whether or not the Rector is able to permit. “Measures” are updated and change; the fact that a type of memorial has been allowable in the past, **does not necessarily mean that it will be allowable now.** It should not be assumed that a type of memorial will be allowed because there is already a similar one in the churchyard.

As a brief guide to what is most *likely* to be allowable, the following may be of some help. More detail is available from the Rector. **No memorial of any kind should be commissioned without first seeking the Rector’s advice:**

### Allowable:

For ashes plots, a flat, rectangular nebracena stone tablet measuring 15 inches by 12 inches

### NOT Allowable

No monument shall include any kerbs, railings, plain or coloured chippings, figured statuary, pictorial etchings or photographic representations, or are in the form of an open book or a heart. No additional articles or ornaments may be placed on or around the grave, other than natural cut flowers in an approved vase made of stone matching the headstone, integral with the headstone base.

The Chancellor may take legal action against next of kin, where the placing of unauthorised memorials or objects has occurred, which may result in legal costs against them.