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### Earley St Peter’s Churchyard Policy

# **Introduction**

#  Our churchyard is an important and valued part of our church life and the heritage of our community. It is open to the public at all times, and continues to be used and valued by large number of people. It is our desire to work with the Diocese of Oxford, the families of those buried in our churchyard and the local community to ensure it remains a resource for future generations.

#  This policy defines the right to the burial of ashes within, and the management of, the churchyard. The churchyard is closed to the burial of bodies.

#  The Parochial Church Council (PCC) has responsibility for the management of the churchyard.

#  The churchyard is consecrated ground, and as such is governed by rules defined by the Diocese of Oxford contained within the Diocesan Regulations for Memorials or Ledgers (the regulations)[[1]](#footnote-1). These regulations will be followed in this parish at all times, only allowing for local decisions, custom and practice where these regulations permit.

# **Right to burial of ashes**

* 1. In a consecrated churchyard, provided there is space available and the churchyard has not been closed for burials by Order in Council, the following people have a right to burial in the churchyard of the parish church:
		1. every parishioner
		2. any person dying in the parish, wherever that person resides.
		3. any person whose name is on the electoral roll of the parish at the time of their death
	2. The ashes of no other person can be buried in the churchyard without the consent of the incumbent. If the incumbent declines to allow the burial of the ashes of a person who has no right as defined above, the incumbent’s decision shall be final.
	3. As the churchyard is closed to the burial of bodies, this right can be exercised only for the burial of ashes.
	4. There is no right of burial of ashes in any particular part of a churchyard. The selection of a burial plot is for the incumbent.
1. **Reservation of a burial space**
	1. The parish policy is not to allow the reserving of a space for burial of ashes.
2. **Areas for ashes**
	1. Ashes may be buried in either an existing grave, or in the specific areas set aside for the burial of ashes.
	2. Burial of ashes in an existing grave will be permitted on a case-by-case basis, depending on the room in the grave and the connection between the deceased and the person(s) already buried in the grave.
	3. Ashes should either be reverently poured into a specially prepared hole in the ground between 18 and 24 inches deep, strewn onto bare earth (and the ashes then covered with earth), or buried in a wooden casket. The scattering of ashes onto the surface of the earth is not permitted.
	4. The parish do not allow any marking of a plot where ashes have been buried other than with a ledger (flat) stone that is in accord with the diocesan guidelines.
	5. If ashes are buried in an existing grave a separate memorial or ledger stone is not permitted, though an inscription may be added to an existing memorial or ledger stone after due authorisation providing the memorial or ledger stone has room for an extra inscription.
3. **Ownership of the churchyard**
	1. The ownership of the churchyard is vested in the incumbent for the use of the parishioners (where there is a vacancy in the incumbency, the ownership is vested in the Diocesan Bishop).
	2. The exercise of the right of burial of ashes and the placing of a ledger stone marking the plot do not confer any rights of ownership upon the relatives of the deceased person or upon any other persons in respect of the churchyard itself.
4. **Ownership of ledger stones and other memorials**
	1. The owner of a churchyard ledger stone marking a burial of ashes plot or of any other kind of memorial marking the plot where a body is buried is defined as the person who placed the stone or memorial in question, and after his/her death the heir or heirs at law of the person or persons in whose memory it was erected.
	2. Therefore, the primary responsibility for upkeep falls on the owners of the stone or memorial who are the heirs of the person or persons commemorated. However, when the heirs cannot be traced, because the maintenance of the churchyard in a safe state is prima facie the responsibility of the PCC, it must bear the responsibility for any dangerous memorial or ledger stones within the churchyard. The PCC must take appropriate steps to deal with any dangerous situations, and such action will be limited by the funds at its disposal.
5. **Erection of ledger stones**
	1. The introduction of a ledger stone, or any other object, into a churchyard requires the permission of the Chancellor, and must conform to the regulations. In practice the Chancellor has delegated limited authority to the incumbent for the introduction, or alteration, of a ledger stone in a churchyard that conform to the regulations.
	2. No permission will be given for the placing of a ledger stone until a suitable time has elapsed to allow for settlement of the excavated ground. This time is at the incumbent’s discretion.
	3. Permission to introduce a ledger stone must always be obtained from the incumbent and PCC before any such matters can proceed. The applicant will be required to sign a ledger agreement and to pay a maintenance fee to the PCC upon application. Where the proposed stone falls outside the scope of the incumbent’s delegated authority, a Faculty is required from the diocesan Chancellor.
	4. The PCC will normally only accept the installation of a ledger stone, that conforms to the regulations, by a recognised Funeral Director.
6. **Churchyard management**
	1. Our churchyard is large and complex to maintain. We aim to strike a balance between ensuring the churchyard is well kept and looked after, whilst having consideration to the provision of areas for wildlife to flourish in suitable areas within the churchyards.
	2. The PCC will ensure that an up-to-date plan is maintained marking the places where human remains are buried. This plan will be used to allocate new places.
	3. The PCC will ensure that up-to-date records are kept of the names of those buried.
7. **Churchyard maintenance**
	1. The maintenance of the churchyard, including the mowing of grass, the maintenance of paved and mown paths and the control of pests and vermin, is controlled by the PCC. All visitors should walk only on the paths unless visiting a specific grave, as the non-paved parts of the churchyard may present trip hazards or unstable gravestones. When we are made aware of an imminently unsafe gravestone, we will take advice on how to deal with it.
	2. Maintenance of trees and shrubs in these churchyards is the responsibility of the PCC, and they will ensure all trees within the churchyard are safe and steps taken to remedy unsafe or dangerous tree within the churchyard.
	3. No tree or shrub may be planted in the churchyard without the explicit written permission of the incumbent and PCC.
	4. The regulations state that:
		1. No individual garden may be erected, or tree or shrub planted on, or adjacent to, a grave.
		2. Only cut flowers or wreaths may be left at the graveside. These must be removed when withered or decaying. No plastic or artificial flowers are permitted save in relation to:
			1. Remembrance Day wreaths or poppies, or Christmas wreaths; these must be removed after a period of one month.
			2. Silk flowers, appropriate to the season; these must be removed when they become faded or bedraggled
		3. Toys or other similar ornaments may be left at the graveside for a period of twelve months after the burial of ashes. They must then be removed by the family or by the incumbent after sensitive consultation with the family, where it is possible to trace them.
		4. Any objects left at the grave but not authorised by Faculty or the regulations must be removed and returned to the relatives as soon as possible, where it is possible to trace them.
8. **Other churchyard issues**
	1. Confetti: The throwing of confetti is permitted in the churchyard, however the PCC would kindly request that confetti be thrown away from the church building, and preferably be made of bio-degradable or natural products.

Approved

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1. See <https://d3hgrlq6yacptf.cloudfront.net/61f2fd86f0ee5/content/pages/documents/20231130_doc_parish_support_churchyard_regulations.pdf> [↑](#footnote-ref-1)