

The Riverside Parishes

The seven villages of Averham, Bathley, Kelham, Little Carlton, North Muskham, South Muskham & Staythorpe.

Right of Burial

1. In a consecrated churchyard every parishioner has a right of burial in the churchyard, provided there is space available, and the churchyard has not been closed for burials by Order in Council. In addition, any person whose name is on the electoral roll of the parish at the time of their death also has a right to burial. So too has any person dying in the parish, whoever that person is.
2. A person who does not have a right of burial in the churchyard or other burial ground of a parish may not be buried there without the consent of the minister of the parish. In deciding whether to give consent, the minister must have due regard to any general guidance given by the PCC of the parish in question. If the minister declines to allow the burial of a person who has no right of burial, his or her decision cannot be called into question in the Consistory Court.
3. There is no right to burial in any particular part of the churchyard. The Riverside Parishes policy is **not** to allow the reserving of grave spaces for burial in the churchyard or for interment of ashes in areas for cremated remains.
Exceptions: Where a grave space has been designated by the PCC as a Burial plot for multiple burials, i.e. a double or triple grave or a family vault.
4. The right of burial at 1 and 2 above also extends to the interment of cremated remains.
5. Cremated remains should be buried, not scattered or strewn.

Ownership of Churchyard

1. The 'ownership' of the churchyard is vested in the Incumbent (Rector, Vicar, Priest in Charge) for the use of the parishioners although his or her rights and obligations in respect of it are very limited. In a vacancy the ownership is vested in the Diocesan Bishop.
2. The exercise of the right of burial, the interment of cremated remains, the reservation of a grave space or the erection of a memorial, do not confer any rights of ownership upon the relatives of the deceased person or upon any other persons in respect of any part of the churchyard itself.

Ownership of Memorials

1. The 'owner' of a churchyard memorial is defined as the person who erected the monument in question and after his/her death the heir or heirs at law of the person or persons in whose memory the monument was erected.
2. The primary responsibility for the upkeep falls on the owners of the memorial who are the heirs of the person commemorated. However, where the heirs cannot be traced, because the responsibility for the maintenance of the churchyard in a safe state is prima facie on the Parochial Church Council (PCC), it must bear the responsibility for any dangerous monuments.

Erection of Memorials

1. The erection of a memorial in a churchyard, or the alteration or removal of any existing memorial, or the introduction of any object into a churchyard, is a privilege and not a right. Permission must always be obtained from the Incumbent and PCC before any such matters are carried out.
2. In law a faculty is required before the erection of any memorial. But in practical terms, in exercise of his jurisdiction the Chancellor has delegated a limited power to the Incumbent (including a Priest in Charge and, during a vacancy of the benefice, the Area Dean) to permit the erection of gravestones and to allow simple alterations to any existing memorials, if, and only if, the Chancellors regulations relating to gravestones are fully complied with.
3. When exercising this limited power, the Incumbent is acting as **deputy** for the Chancellor and any permission given by the Incumbent is subject to review by the Chancellor at any time. The Incumbent is, however, under no obligation to exercise this power and he/she is entitled to refer any matter to the Chancellor, having first checked with the Archdeacon who has also been given limited powers by the Chancellor.
4. Except in pursuance of the delegated power of Incumbents and Archdeacons, no memorial may be erected in a churchyard, or other work carried out on it, without the authority of the Chancellor by faculty. The Chancellor does not wish to discourage specially designed or appropriate memorials outside the delegated powers, and he will give sympathetic consideration to applications for faculty in this respect.
5. The existence of a similar memorial or memorials in a churchyard, whether by faculty or not, outside the regulated delegation, similar to the one for which permission is sought is not of itself a reason for giving permission. The Chancellor will take every such application on its individual merits and on the advice of the Diocesan Advisory Committee.

6. If a memorial or other object is introduced into a churchyard without authority and beyond the delegated powers of the Incumbent and Archdeacon, the Chancellor has power to grant a faculty for its removal and to order the person who introduced it to pay the expense of removal and the costs of the proceedings.
7. If any memorial is added to, altered or removed without authority, the Chancellor has power to grant a faculty (so far as possible) to restore it to its pre-existing condition and situation and to order the person who altered or removed it to pay the expenses and the costs of the proceedings.
8. The Diocese gives guidance similar to all Dioceses in the Church of England. The placing of fresh flowers is permitted, but they should be removed when they have perished; the growing of grass on a level grave for ease of maintenance should be encouraged; Remembrance Day poppies and Christmas wreaths are permitted, but must be removed after no more than two months; artificial flowers are discouraged, as they are not biodegradable and soon deteriorate in quality and appearance; it is not permitted to have individual gardens, or to plant garden type shrubs or herbaceous plants. solar lights, wind chimes, sentimental objects, and additional vases are not allowed.
9. The PCC/incumbent reserves the right to remove anything that becomes unsightly. In rare circumstances the incumbent may allow a limited number of sentimental objects on a plot for a limited period of time to allow for grieving.

Responsibility for Maintenance of Churchyards

1. Under Canon F13 the responsibility for maintaining the churchyard in good condition rests with the Parochial Church Council (PCC).
2. Canon F13 requires the churchyard to be fenced and kept 'in such an orderly and decent manner as becomes consecrated land'. The PCC should also keep the paths in proper order and therefore clear away any grass overhanging the paths.
3. Consideration to the maintenance of churchyards with regard to mowing and control of pests and vermin will be at the discretion of the PCC. Striking a balance to keep churchyards maintained and cared for, whilst having consideration to the provision of areas for wildlife to flourish in suitable areas within the churchyard.

Reservation of Grave space by Faculty.

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Exhumation

1. Burials and the interment of cremated remains in churchyards or consecrated burial grounds should be looked upon as permanent and exhumation should be discouraged. Once a body is buried or ashes interred in consecrated ground the site is under the exclusive control of the Ecclesiastical Courts and may not be disinterred without lawful authority. In cases where crime is suspected this authority may be given by the Coroner.

Depth of Graves

1. There is no uniform provision about the depth of graves. Where there is any likelihood of local restrictions being in force, they should be ascertained and observed. The most commonly quoted provision is that contained in Section 103 of the Towns Improvement Clauses Act 1847 which, where it is in force by incorporation in a local Act, means that no coffin may be buried without at least 750mm (30 inches) of soil between the lid and the surface of the ground.

Re-use of Old Graves for Fresh Burials

1. Subject to compliance with any requirements about the depth of graves, or any Order in Council for closure there is no legal objection to burial in a grave which has already been used. There are however clear pastoral considerations of any proposed re-use of old graves and the Incumbent and PCC should carefully consider any proposals in this respect and should seek advice from the Archdeacon and Diocesan Registrar before proceeding.
2. It is usual for a gap of at least 50 years to elapse between burial and re-burial but in practice a gap of 100 years is more appropriate. A faculty is required for any proposals for re-use of any part of the churchyard where there have been earlier burials and special conditions may be laid down setting out requirements for memorials, type of stone, size, wording etc in that particular area. In these circumstances of re-use the Incumbent does not enjoy the discretion given to him by the Chancellor's Regulations.

Sundry points

1. **Confetti.** The throwing of Biodegradable/ dried flower petal confetti is permitted, however the Riverside Parishes policy for our churches is that the throwing of confetti should be at the church gate and not in the churchyard.

Past variations from the current guidelines/policies do not create a precedent.

Updated April 2024