

NORTH BUCKINGHAM PARISH CHURCHYARDS POLICY

FOR THE PARISH CHURCHYARDS

IN ACCORDANCE TO THE

OXFORD DIOCESAN CHURCHYARD REGULATIONS

This policy as set out by the Incumbent and members of the PCC provides the Wardens and the Incumbent of the Parish Churches further guidelines for burials and interment of ashes in new or existing graves. In addition it provides information on the legalities and care of the parish churchyards, including its memorials.

In cases not mentioned in this policy the matter has to be referred to the PCC and to the Incumbent.

The Incumbent has received delegated authority by the Chancellor to take final decisions only when they fit within the regulations set out in the Oxford Diocesan Churchyard Rules. In all other cases the matter has to be referred to the Chancellor of the Diocese whose judgement is final and carries enforcement in law.

1 Rights to burial

1.1 This policy is only in addition to the Churchyard Rules implemented in law by the Chancellor of the Oxford Diocese. It provides guidelines in accordance to these rules and acts as a further outworking of the rules and regulations appropriate for the Churchyards of this Parish.

Churchyards have for centuries been used for burial and monuments and are therefore, along with all other matters relating to churchyards, regulated by law.

1.2 The following have a legal right to burial, or have their ashes interred, in any consecrated burial ground forming part of one of the Churchyards of the North Buckingham Parish, or any other consecrated burial ground belonging to the Church, unless the Churchyard has been closed by Order in Council:

- Those who were resident, or had died, in the corresponding village of the Parish Church;
- Those whose names are on the Parish Church electoral roll.

As a general rule, only those who reside in one of the villages of the North Buckingham Parish are legally eligible for burial in their village of residence. In addition, residents in the civil Parish of Buckingham who are within the area of the ecclesiastical parish of Maids Moreton also have a right of burial in Maids Moreton churchyard.

Others, who do not belong to either category as mentioned above have no right to be buried, or cremated remains interred, in any of the parish churchyards.

1.3 The interment of human remains is final and the grant of a faculty for exhumation is given only in exceptional circumstances.

1.4 There is no right of burial in any particular specified part of a Churchyard.

I.5 Any petition for burial, or interment of ashes, of a person who did not reside in the Parish at the moment of death, but of whom can be proven to have had a close link either to the village or to the Parish Church of that village, can only be addressed to both the Incumbent and the PCC. The decision following from such a request is only to the discretion of both Incumbent and the members of the PCC.

I.6 In exceptional circumstances based on strong pastoral grounds, and only after proper consultation with the Incumbent and the PCC, permission may be granted to inter cremated remains in an existing grave for those who have no right of burial in the churchyards of the parish churches.

I.7 The Wardens and Incumbent may allow interment of cremated remains in an existing grave only when it concerns family members within the first line of kinship, or partners according to marriage law. The first line of kinship as mentioned here is to be understood from parents to children. This is accordance with the directions given by the Chancellor of the Diocese to prevent graves from becoming family graves in perpetuity.

I.8 The cremated remains in question are preferably contained within a wooden casket. (see IV.2)

I.9 It is not possible to allow more than two interments of cremated remains in one existing grave and no new grave stones are allowed to be erected on existing graves. New names can only be added on an existing memorial.

I.10 The general principle is that human remains should rest in peace. On burial or interment in consecrated ground, human remains are committed to the protection of the Church.

II Legal ownership and costs of graves

II.1 Consecrated ground may not be purchased or sold as a matter of law. The authority over the churchyards is vested in the Incumbent for the use of the parishioners, or during a vacancy vested in the Diocesan Bishop.

II.2 The exercise of the right of burial, interment of cremated remains, or in exceptional cases the reservation of a grave space by faculty, and the erection of a memorial of any kind 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.

II.3 Fees must be paid for burial or interment in a churchyard and also for the approval of a memorial and the amount of the fee payable in cases where the deceased person had a legal right of burial or interment is fixed each year by the General Synod of the Church of England. The fee is not a purchase price for the burial or interment plot and the family of the deceased do not become owners of or acquire exclusive rights to the plot.

III Digging graves

III.1 The digging of a grave is arranged by the executors, through funeral directors for reasons of health and safety.

III.2 The digging of a grave, both for burials or interment of cremated remains, is only possible through a person with expertise, knowing the right procedures and who has the correct insurances and follows any guidelines for health and safety.

III.3 Only in exceptional circumstances grave spaces are provided for one person, but otherwise graves are provided for two corpses or cremated remains in the same exact location.

III.4 The *Local Authorities' Cemeteries Order 1977* provides that: No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave; provided that the burial authority may, where they consider the soil to be of suitable character, permit a coffin made of perishable material to be placed not less than two feet (60.96 cm) below the level of any ground adjoining the grave.

III.5 No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by means of a layer of earth no less than six inches (15.24 cm) thick.

III.6 When any grave is reopened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove from there any soil, which is offensive.

IV Cremated remains

IV.1 A specific area for the burial of cremated remains is usually set aside.

IV.2 Cremated remains should be reverently poured into a specially prepared hole in the ground between 18 and 24 inches deep. The scattering or strewing of cremated remains is not permitted. If the cremated remains are to be interred in a container or casket, it must be of perishable material, preferably wood.

IV.3 In exceptional circumstances it is possible to inter cremated remains in an existing grave, also for those who have no right of burial in the churchyards of the parish churches. As set out before (see I.6 & I.7), such cases should be exceptional. A request for interring cremated remains in an existing grave is therefore only generally possible when it concerns children of the deceased, or partner in accordance to the law of marriage, resting in the grave concerned.

V Memorials

V.1 Memorials may only be introduced in accordance with the Regulations, or exceptionally, following the grant of a Faculty, which means that the size, materials and wording of any memorial may only be within the parameters of the Regulations. Any request for a memorial not within the parameters of the Regulations has to be referred to the Chancellor of the Diocese and a special Faculty must be obtained.

V.2 There is no automatic right in English law to erect any memorial. Even so the alteration or removal of any existing memorial or the introduction of any into a churchyard is a privilege not a right.

V.3 Permission must always be obtained before any such matters can proceed. 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 limited power to the incumbent (or in a vacancy to the Area Dean) to permit the erection of grave stones and to allow simple alterations to existing memorials only if the Chancellors regulations relating to grave stones are fully complied with.

V.4 A churchyard is very different from a local authority cemetery and the rights of individual parishioners are strictly limited. Because it is a churchyard, any memorial must be compatible with the Christian religion.

V.5 Memorials are permitted for a maximum of 50 years on an existing grave.

V.6 Only one stone, ledger or memorial is allowed on the grave. This means that whenever cremated remains are added within a grave no permission will be granted to erect another memorial of any kind on the existing grave. If a memorial is already in situ the name of the interred remains could be added, only if enough space is left on the existing stone. It is not allowed to engrave names on the other side of an existing memorial.

V.7 For uniformity, ease of mowing and optimal use of burial space for cremated remains, the size of a ledger or tablet is 381mm x 305mm, which is 15x12 inches, and should be laid flat in the ground.

V.8 Home made memorials are not permitted, neither is it permitted for family or friends of the deceased to erect a memorial or place a ledger on their own behalf, without the service of a qualified and designated memorial mason.

V.9 It is important that the Memorial Approval Application form properly filled in and signed by the memorial mason and other party is used for the erection of a memorial. If the memorial is removed to enable an additional inscription to be made, the memorial mason who re-installs the memorial must undertake that liability. The Incumbent must be informed.

V.10 In the case of an application for permission to introduce in a churchyard a memorial which relates solely to persons whose remains are buried or interred elsewhere, such memorials should not be permitted.

V.11 The memorials are not the responsibility of the Church. They belong to those who purchased them and therefore the Church does not insure or maintain them. If the memorial becomes unsafe it might become necessary to lay the headstone flat on the grave, or remove entirely, to ensure the safety of everyone using the churchyard. The PCC or churchwardens do not have to seek permission first from the family involved and are not liable for any damage to the memorial.

V.12 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. The primary responsibility for upkeep falls on the owners of the memorial who are the heirs of the person or persons commemorated.

VI Churchyard Registers and Plans. The *Parochial Registers and Records Measure* requires that a Register of Burials is maintained and the Burial Register is to include the reference number of the grave on the churchyard plan. It is necessary therefore for a proper plan of the churchyard to be prepared and maintained and a scheme of numbering grave plots should be adopted - for example, by reference to sections rows and grave numbers.

VII Flowers, Wildlife, Nature Conservation and Preservation of Churchyard character

VII.1 The Churchyard Regulations contain set rules for flowers on graves and do not allow for shrubs, fencing or individual gardens and other memorable, except a few bulbs or annuals.

VII.2 Plastic, and other human-made material, flowers, poppies and wreaths are not permitted except for a limited time to commemorate those who have died in the service of their country in time of war or other conflict.

VII.3 It is not permitted to lights lanterns, or put up any other form of lighting, like burning candles, LED lights etc., on graves in order to remember a deceased person, or for any other reason of commemoration.

VII.4 Maintenance of trees in the churchyard falls to the PCC and they are responsible to ensure all trees within the churchyard are safe and steps are taken to remedy any unsafe tree within the churchyard.

VII.5 Any other maintenance or provisions within the churchyards is not a legal obligation of the Parish. 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 is important and encouraging wildlife is generally to be supported.

VII.6 It is forbidden by Maids Moreton Council Order to bring dogs onto the Churchyard of Maids Moreton.

ALWAYS ADMINISTER THE REGULATIONS FIRMLY AND FAIRLY.

October 2020