

# **DIOCESE OF YORK**

## **NOTES OF GUIDANCE by the Registrar of the Diocese**

### **CLOSED CHURCHYARDS AND BURIAL OF CREMATED REMAINS**

1. Cremated remains may be buried in a closed churchyard, with the permission of the incumbent. There are several possibilities:
  - (a) in an area previously set aside by faculty for burial of cremated remains
  - (b) in the existing grave of a relative
  - (c) elsewhere in a closed churchyard in a place specified by the incumbent or priest in charge.
2. If there is already a place set aside by faculty for cremated remains in a closed churchyard cremated remains may be interred there with the permission of the incumbent and in this case a further faculty is not required (as the previous faculty to set aside the area is sufficient): see Church of England (Miscellaneous Provisions) Measure 1992 section 3(1).
3. After the burial ground has been closed it is still possible to set aside in it an area for cremated remains but a faculty is required for this and the Chancellor will want to be satisfied that the proposal is reasonable. An example of it not being reasonable would be where a small former burial ground in a city area was closed for burial a very long time ago (say 100 years) and had never before been used for cremated remains and/or was at a very long distance from a church.
4. Parochial fees have to be paid in every case of an interment of cremated remains. This is because the Parochial Fees Order so requires. The justification is that some work is done by the incumbent in dealing with the application and the PCC has responsibility for maintenance of the churchyard (except in cases where maintenance has become the responsibility of the local authority).
5. Additionally cremated remains may be interred in the existing grave of a relative in a closed churchyard if the incumbent so permits and if the Chancellor grants a faculty for this. The usual parochial fees have to be paid. A faculty is required because the churchyard is closed for burials (see the same Measure section 3(1)).
6. Section 3(1) of the same Measure also permits interment of cremated remains elsewhere in a closed churchyard (i.e. not in the grave of a relative) if the incumbent so permits and if a faculty is granted for this. The Chancellor regards this as something which is not to be encouraged. There would have to be some exceptional reason for granting a faculty in such a case. The Chancellor would wish to be sure that it would not be followed by a crop of other applications. If there was a danger of there being further applications the Chancellor would probably require the PCC to apply for the setting aside of an area for cremated remains (in order to avoid interments randomly – which would be out of keeping with the principle of non-use of the churchyard arising from its closure, and would also be “untidy”).

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7. Guidance concerning the burial of cremated remains and commemoration after cremation is set out on the disc "Care of Churches and Faculty Matters", issued by the York DAC Office in spring 2001 (copies have been distributed to all Ministers who have responsibility for churchyards and churchwardens).

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**Diocesan Registrar**

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