

DIOCESE OF YORK

NOTES OF GUIDANCE by the Registrar of the Diocese

CONSECRATION OF BURIAL GROUND: CHURCHYARD OR CEMETERY

Burial grounds are described as "churchyards" or "cemeteries". A churchyard is benefice land and is maintained by the parochial church council. A cemetery is a burial ground owned by the local authority.

A burial ground is usually consecrated by a suffragan bishop after the Archbishop of York has given his consent to the consecration. The Registrar prepares the Petition to the Archbishop, which is signed by the parties requesting the consecration, presents it to the Archbishop and, when consent has been obtained, prepares the Sentence of Consecration.

Before the Registrar can prepare the Petition there are several things which must be done:

1. **Legal Title:** The land must belong either to the church (usually as benefice land) or to the local authority, often the secular parish council. Legal title needs to be deduced to the Registrar. This is usually done by a copy of the Conveyance, certified as having been compared with the original and as being a true and complete copy, being sent to the Registrar.
2. **Plans:** The Churchyard Plans and Records Regulations 1992 require the parochial church council to keep an up-to-date plan of the churchyard. (It is helpful if cemeteries could produce similar plans.) The plan must conform to the Regulations (see attached) but the drafting film original of the plan should be retained for your use; a paper copy should be submitted to the Registry to be sewn into the Sentence of Consecration.

Ordinance Survey can provide site-centred plans but they will charge a fee.

"How to Record Graveyards" published by the Council for British Archaeology contains simple instructions on surveying and mapping churchyards.

Apart from the Churchyard Plan which is made to comply with the 1992 Regulations, a smaller scale plan or plans locating the burial ground is required for both the Petition and Sentence of Consecration documents. An A3 or A4 plan would be the most suitable size. These plans need to show the land for which the church or local authority has legal title (see 2 above): this might be edged in red or shown on a separate plan. The land to be consecrated might then be coloured in red on the same plan or edged in red on a separate plan, and any land which is to remain unconsecrated should be edged in blue.

3. **Extent of Consecration:** Usually an entire churchyard will be consecrated but the law requires that part of a **cemetery** remain unconsecrated. This stems from Victorian legislation to provide a public burial ground for those who do not wish to be buried according to the rites and ceremonies of the Church of England.

It is for the Parish Council to decide how much land and how many plots should remain unconsecrated but the Council needs to be satisfied that the land that remains unconsecrated will be sufficient. Those who are not of the Christian faith but are members of another faith, eg muslims or hindus, as well as those of no faith at all or specifically anti-religion ie atheists, and who are resident in the parish would not wish to be buried in land consecrated for Christian burial. The Registrar's advice is that the Parish Council should err on the side of caution and leave more land unconsecrated than they might think is likely to be necessary – burial trends may change in the future.

The area of land which is not to be consecrated should be edged in blue on the map/plan.

The area to be consecrated should be marked on the ground. This is traditionally done by consecration stones – stones marked with a Christian cross about 12 inches cube (or larger) with an arrow pointing in the direction of the consecrated land – placed at each corner and at intervals along the length of each side.

4. **Planning Permission:** For churchyards, it is for the incumbent and PCC to apply for planning permission and to satisfy any conditions imposed by the local planning authority.

For cemeteries, it is for the parish council or burial board to apply for the planning permission.

A copy of the planning permission must be sent to the Registrar.

5. **State of the Ground:** The Archdeacon needs to be invited to inspect the land and send a letter to the Registrar to the effect that he is satisfied that the land is well-drained, and that the surface is in a sufficient and appropriate state for use as a burial ground, e.g. is not infested with weeds, thistles, or covered with rubble or mud.

6. **Boundaries:** It is both a canonical requirement and a matter of common sense that churchyards should be properly enclosed by a ditch, hedge, fence or wall. (Although cemeteries are not subject to canonical requirements, they should also be enclosed.) A hedge or wall is the most attractive option, and advice about this is given in the Churchyards Handbook (3rd edition). In rural areas a stockproof boundary is essential. A post and rail stockproof fence should be supplemented by a thorn hedge.

The Archdeacon, at the time he inspects the ground, will also want to be satisfied with the boundary wall, fence or hedge.

7. **Fee:** If the land is not benefice land, then the parish council or owner of the land is responsible for the Registrar's costs for acting in this matter on behalf of the Archbishop of York and the suffragan bishop, and in preparing the documents. (The Archbishop's consent to the consecration will be given subject to the costs being paid.) Details of the current fee may be obtained from the Diocesan Registry.

8. **Resolution by the Parochial Church Council, Town Council or Parish Council:** A certified copy of the resolution to petition the Archbishop for his consent that the burial ground be consecrated must be submitted. The resolution may take the following form:

The (PCC) (Town Council) (Parish Council) of at its meeting on passed (unanimously) (without dissent) (by a majority of to among those present and voting) a resolution to request the Archbishop of York to give his consent that the (Churchyard (Extension)) (Cemetery (Extension)) be consecrated for use as a burial ground. There are members of the council.

9. **Petition for Consecration:** The incumbent and parish church council or, in the case of a cemetery, the parish council or other local authority council, are required to formally petition the Archbishop of York for his consent to the land being consecrated.

After the matters in these Notes have been attended to the Petition will be drafted, sent to you for signature and submitted to the Archbishop by the Registrar.

10. **Sentence of Consecration:** When the Archbishop has given his consent, the Registrar will prepare the Sentence of Consecration after you have made arrangements for the ceremony with the suffragan bishop.

11. **Faculty Jurisdiction:** A faculty is not required prior to or for the consecration of a burial ground. The act of episcopal consecration automatically brings the land by operation of law within the faculty jurisdiction. Thereafter a faculty is required for any works done in the churchyard other than routine maintenance.

12. **Records and Record Keeping**: The original Petition and Sentence of Consecration will be deposited in the diocesan archives. A duplicate Sentence will be supplied to you by the Registrar. The documents should be kept in a safe place, and the fact of consecration should be reported to both the PCC and to the burial authority (usually the parish council or local authority) so that it may be recorded in their minutes or other records.

The churchyard plan must be kept in a secure place (preferably in the church) where it is readily accessible for reference purposes and for keeping up to date.

May 2015

**C F MOCKFORD
DIOCESAN REGISTRAR**

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DIOCESE OF YORK

THE CHURCHYARD PLANS AND RECORDS REGULATIONS 1992

(In force from 1 September 1992)

1. It is the obligation of every PCC of a church which has a churchyard which is used for burials or for the burial of cremated remains (or where there have been burials in the past) to hold and to keep up to date a plan of the churchyard.
2. The plan must be drawn to scale. A scale of not less than one unit on the plan to 250 units on the ground is the smallest scale permitted to comply with these Regulations and a larger scale of 1:100 is preferred.
3. The plan must be labelled with the name of the church and the parish, and have the scale, the date of the survey and the names of the surveyors clearly marked. A compass point direction needs to be included.
4. The plan should be drawn on durable material in permanent ink. Any addition or deletion should also be made in permanent ink.
5. The area of land forming the churchyard should be edged in red.
6. The plan must show the correct location of the following structures and other details:
 - (i) the dimensions of the churchyard, its boundaries and entrance(s)
 - (ii) the church building and any other buildings
 - (iii) all paths within the churchyard
 - (iv) all known existing graves
 - (v) the sites of all proposed graves which are in an area of ground which has been allocated by the PCC as space for future graves
 - (vi) all reserved grave spaces
 - (vii) any area which has been set aside by faculty for the interment of cremated remains
 - (viii) any places in the churchyard where cremated remains have been interred otherwise than in an area set aside by faculty
 - (ix) the line of any underground pipes, cables and other service conduits (where known)
 - (x) the position of flower beds, shrubberies and mature trees (the species should be identified on the plan or in a key reference at the side)
 - (xi) sufficient information of adjacent land so that the churchyard, and in particular its boundaries can be plotted both on the ground and on the plan.
7. In the case of a churchyard which is in current use for burials or the burial of cremated remains the PCC must also maintain and keep an up-to-date list showing the names of the persons so buried or interred by reference to the graves or places of interment shown on the plan, using a suitable reference system such as letters for rows of graves and numbers for individual graves within the row, and a copy of the list shall be placed with or attached to the churchyard plan. An additional cross-reference should also be kept in the burial register.
8. The churchyard plan and the list (if appropriate) must be kept in a secure place (which would preferably be in the church) where they are readily accessible for reference purposes and for keeping them up to date.

The Feast of St Michael and All Angels 2015

**HIS HONOUR CANON PETER COLLIER QC
CHANCELLOR OF THE DIOCESE**

These Churchyard Plans and Records Regulations were first published in 1992 and were adopted and re-issued on the 29 September 2009 by His Honour Canon Peter Collier QC, Chancellor of the Diocese

Note

1. The church architect may have a suitable base plan of the churchyard or at least of the church, which will be a base from which to work. It is not easy to produce a detailed accurate plan, especially if the churchyard is large or slopes steeply. If possible, expert assistance should be sought from the local museum, archaeological unit or university surveying or archaeology department. The last may be able to carry out the plan as a student surveying exercise, but it is necessary to ensure that the final result is sufficiently accurate.

2. It is recommended that the plan is drawn on plastic drafting film or other suitable durable material. The final result can be inked in using a drawing pen, and dye-line copies can then be produced and further annotated if necessary. The church architect may be able to supply materials and produce copies. It is desirable, however, to update regularly the original on the drafting film so that new burials are not recorded only on a relatively impermanent dye-line. The Churchyard Handbook 4th Edition published by Church House Publishing has useful advice on churchyard plans.