

DIOCESE OF YORK

NOTES OF GUIDANCE by the Registrar of the Diocese

REUSING A CHURCHYARD FOR SECOND BURIALS

1. There is no legal objection to burial in a grave which has been used provided the requirements for burial in a churchyard are met, and there is no existing faculty for the reservation of that grave space.
2. A faculty is not needed to authorise second burials in a churchyard. The land has been set aside for use as a burial ground; see 8 below regarding consecration records.
3. If there are any faculties granted to reserve gravespaces, these usually cease to have legal effect 100 years after the grant of the faculty, if the reserved space has not then been used.
4. Before graves are reused,
 - (i) the incumbent and PCC should obtain information about burials in the past (the date of the last burial, the area of the churchyard that was used for burials and so forth)
 - (ii) someone should rod the land thoroughly to determine whether it is "safe" to dig a grave. It may be safe 50 years after the last burial but the usual wait is 100 years, depending upon the nature of the ground. Public health legislation requires that it be "safe" to dig a grave.
 - (iii) If skeletal remains are discovered on digging a grave for re-use in an unmarked area in the churchyard, part of the bottom of the grave is to be increased in depth and the remains are to be placed in the extra depth, leaving a full depth grave for the new burial.
5. The matters in paragraph 4 above must be reported to the PCC and minuted. A copy of the report to the PCC and of the minute must be sent to the Registrar.
6. Gravestones and other memorials as well as kerbs and railings around graves can only be moved with the authority of a faculty. Further advice concerning petitions for the re-ordering of a churchyard is available from the Registrar.
7. Both the Archdeacon and the DAC Secretary may be able to offer helpful advice in the light of their experience, particularly with regard to the re-ordering of a churchyard and the moving of memorial stones.
8. Where land has been used for burial it may be presumed that it was consecrated. Documentary evidence of consecration may be found in the Parish or in the Diocesan Record Offices (see Diocesan Directory). Where land has been consecrated in the past, re-consecration before burying again in the same area is not necessary or appropriate.

NOVEMBER 2004

**L P M LENNOX
DIOCESAN REGISTRAR**

© L P M LENNOX 2004. No part may be reproduced by any means nor stored in any form without written permission.