

The Diocese of Truro: THE REUSE OF CHURCHYARDS FOR BURIALS



Under ecclesiastical law, and subject to the consent of the minister and any relevant health and safety considerations, there is nothing to prevent land which has been used for burials in the past being used again for that purpose (provided that the land has not previously been closed for further burials by order in council). This practice was commonplace prior to the introduction of permanent monuments in the late 18th century.

Information relating to closed churchyards can be found in the autumn 2019 [Registrar's Newsletter](#) and in the DAC [guidance for churches and churchyards](#) page.

If a PCC should wish to consider re-using burial space, it is required to take note of this Diocesan guidance.

1 Considerations regarding the reuse of grave sites

If a churchyard is becoming full, and the PCC feels that parts of the churchyard can and should be reused to enable parishioners to be buried within the churchyard, then the PCC may decide to consider the reuse of grave sites.

2 Requirements for reuse

When contemplating any proposal to reuse part of a churchyard, a PCC must take account of the following guidelines:

- (a) It is not possible for an area of the churchyard to be considered for reuse if:
 - i. it is known that there has been a burial within the area during the last one hundred years; it may be possible to reuse an area where burials have taken place more recently than this but this may require a faculty and advice must be sought from the Diocesan Registrar;
 - ii. the area is subject to an existing personal right of burial by means of a faculty to reserve a grave space (in case of doubt, check with the Diocesan Registrar);
 - iii. the area is subject to any relevant prohibition or restriction imposed by Order in Council (such as closure of the churchyard - in case of doubt check with the Diocesan Registrar).
- (b) Any proposals to reuse an existing (open) churchyard should be debated both within the PCC, and more widely within in the community of the parish, before a decision is made. It is helpful for all options to be considered, including churchyard closure and the acquisition of additional land.

- (c) An accurate survey plan indicating the area(s) of the churchyard to be reused should be part of the documentation used in the PCC decision-making. See paragraph 2(j) for the details which are required to be included.
- (d) The relevant Archdeacon must be consulted prior to the reuse of any grave site who may direct that the Diocesan Advisory Committee be consulted on any matters that are of concern to the Archdeacon.
- (f) If headstones and memorials are to be moved, then a faculty will be required. The faculty application will require:
 - i. Every effort be made to trace and contact any descendants of those who are commemorated on the headstones and memorials, and who may remain the lawful owners of them.
 - ii. Careful diagrammatic and photographic records of the churchyard and memorials or headstones to be removed (including transcriptions of any inscriptions) be made and preserved as part of the church records before and after removal.
- (g) It is most unlikely that a faculty will be granted for the removal of ancient headstones or box tombs, War Graves Commission headstones, any headstone of a special aesthetic, artistic or historic significance or which significantly contributes to the attractive setting of an old churchyard. In general, therefore, any proposal should start from the proposition that such ancient headstones or box tombs etc are left as they are, and any new memorial stones should be in keeping with them.
- (h) The design and position of new memorials will require careful consideration if situated alongside historic memorials. The proposal should incorporate requirements with regard to the design, material, and dimensions of new memorials, so that the latter will not be out of keeping with any existing ancient headstones or box tombs. These requirements should be adopted as PCC policy for the churchyard and shared with relevant parties prior to burial.

Whilst not ruling out appropriate upright headstones, the use of flat ledgers (i.e. horizontal memorial stones into the ground) may be a more satisfactory way of lessening the visual impact of new memorials on existing features and the ambience of the churchyard as a whole.
- (i) The area to be re-used may be close to the church (or other buildings), in which case it is advisable to leave a strip approximately 15 feet (4.5 metres) wide around the walls. This is to provide access for maintenance and repair and, in particular, space for the erection of scaffolding. Consideration should also be given to existing drains, pipes and cables laid underground and potential root damage to trees or hedges.
- (j) For the purposes of PCC approval, and community consultation, every proposal should have an accurate survey plan of the whole churchyard attached to it.

The PCC will be responsible for ensuring the approved plan is adhered to. The plan must show:

- i. Existing features which will not be disturbed.
 - ii. Areas which are proposed for reuse.
 - iii. Any memorial stones to be removed (indicating their present position and where they are to be re-sited). Note that a faculty is required for such action (note (f) above).
- (k) If intact coffins or articulated skeletons are disturbed, an exhumation faculty will be required. For this purpose contact should immediately be made with the Diocesan Registry. After a century of interment in normal soil conditions it is, however, unlikely that remains in this category will be found.
- (l) If any other human remains (disarticulated bones) are disturbed in the creation of a new grave, they should be reverently and discreetly re-interred by the incumbent in the deepened grave before any new burial is added. If the reinterment of such remains is not possible then an application should immediately be made to the Diocesan Registry for an exhumation faculty.
- (m) Any disturbance to much earlier burials or other remains of archaeological interest, must be referred to an archaeological adviser and be carefully recorded.
- (n) Any new grave must be of such a depth that no part of the coffin should be less than 3 feet 3 inches (1 metre) below the level of adjoining ground.

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