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**CREATING A CHURCHYARD EXTENSION or A DETATCHED BURIAL GROUND: THE PROCESS**

Where further land which has not previously been used for interments is acquired or otherwise made available for the purpose of creating an extension to an existing Churchyard or as a new burial ground that is physically separate from the existing Churchyard, a number of steps will need to be undertaken. Some of these can be actioned at the same time but others will need to be in place before the next steps can be taken.

First of all, the PCC will need to pass a resolution agreeing:
(a) to extend the churchyard (or create a detached burial ground) and (if necessary) for the freehold of such land as may be required for this purpose to be transferred and vested in the incumbent for the time being of the Benefice,
(b) to appoint solicitors to act for the PCC, and
(c) to pay any legal and surveyors fees in connection with the transfer.

It should be noted that it is not appropriate to use leasehold land for burials (even if it is a long lease) and accordingly the PCC should ensure that it is able to acquire the unencumbered freehold. This is because leasehold land is potentially subject to forfeiture which could accordingly prejudice the ability of the church to ensure that the land is reserved solely for burials in perpetuity.

The following steps will then need to be taken unless the information is already available (e.g. a sufficient plan under (ii) below because the land is already registered and identifiable on the Land Registry plan):

1. Research ownership of the land to be transferred (if not already in the ownership of the church).
2. Prepare a Land Registry compliant measured OS map of the land.
3. Obtain planning consent from the local planning authority for the proposed change of use for burials, or written confirmation that this is not needed.
4. The Diocesan Registry should be contacted for confirmation that there is no Order in Council affecting the churchyard that may impact on the proposed churchyard extension or new area of land.
5. The PCC will need to ensure that the land is registered in the name of the Incumbent and in certain circumstances it may be necessary to carry out a transfer in accordance with the provisions of the Church Property Measure 2018. The solicitors will advise on the form of transfer required (if any) and whether or not either the consent of the Church Commissioners or a written report by a qualified surveyor is required.
Note that if the land is adjacent to the existing churchyard (forming an extension), it will become part of the curtilage of the church on being transferred into the ownership of the PCC (i.e. even before it has been transferred into the name of the incumbent)– and is therefore subject to faculty jurisdiction from that point on. In the case of creating a detached burial ground, the land will not be subject to faculty jurisdiction until it is consecrated.
6. Ensure the site is levelled, clearly marked out with appropriate boundary structures or markers and fit for burials. Before commencing any works, advice should be taken from the DAC Secretary about this and any other items to be placed in the extension or new burial ground (e.g. storage huts or benches) in order to obtain confirmation as to whether any of the proposed works requires a faculty. Faculty consent is always required for the creation of a Garden of Remembrance. If the PCC wishes to adopt local churchyard regulations for the purpose of regulating the use of the extension, these must be complementary to, and not less stringent than, the Diocesan Churchyard Regulations and must first be approved by the Archdeacon.
7. Once the site is ready, the Churchwardens will need to arrange a date for consecration with the Bishop's Office and will need to make the application for consecration to the Diocesan Registrar. The Registry will then draw up the necessary Petition and Sentence of Consecration in time for the Bishop’s visit.

Jos Moule Diocesan Registrar
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