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Burials

Rights of Burial

1. Parishioners (Including all those on the Church Electoral Roll), and others who die in the parish, have a right to burial in the churchyard if there is still space available, and if the churchyard has not been closed by Order in Council. This right applies to both bodies and cremated remains (ashes).
2. Permission for others to be buried may be granted by the Incumbent, who must have regard to any general guidance given by the Parochial Church Council (PCC)
3. If the churchyard or burial ground has been Closed by Order in Council, no burial of bodies may take place (unless the Order makes exceptions e.g. for the burial of family members). Different rules apply to the burial of ashes.
4. The Incumbent is responsible for deciding where in the churchyard burials will take place. It is usually possible to reserve a particular grave space by means of a Faculty (as below) if there is good reason for so doing.
5. The reservation of a grave space, the exercise of a right of burial and the erection of a memorial do not alter the ownership of any part of the churchyard, which remains the legal property of the Incumbent. Any fee paid in connection with the use of the churchyard is solely for services rendered or in return for permission granted. It is not possible to 'buy' a space under any circumstance.
6. All burials must be recorded in the Burial Register.

Graves and Memorials

1. Incumbents have discretion to authorise the erection of any headstone which falls within the types and classes authorised in Appendix A (Memorials in Churchyards). They may refuse to permit the erection of an authorised headstone if they believe it would be detrimental to the churchyard. However, they have no discretion to allow the erection of a headstone that falls outside those authorised.
2. No memorial should be erected within six months of a burial (the Incumbent may increase this minimum to 12 months depending on the type of soil in the churchyard).
3. If a family (or executor) wishes to erect a memorial which falls within the Incumbent's discretion, they should apply on Form CR1 (available from the stonemason, Incumbent or Diocesan Website). Permission is always required and no work should be ordered or put in hand until permission has been granted.
4. If a family (or executor) wishes to erect a memorial which falls outside the Incumbent's

discretion, they may apply for a Faculty giving the grounds for their request. The Incumbent will advise them how to approach the DAC.

5. Graves should normally be on a 9ft (2700mm) by 4ft (1200mm) grid unless ground conditions dictate otherwise. No grave or memorial should be placed within 4ft (1200mm) of the church, so as to facilitate access and help reduce damage during maintenance and repair of the building.
6. Local Authorities have regulations regarding the minimum depth of a grave. Generally the depth must be not less than 750mm (30ins) above the coffin.
7. In the event of any memorial being erected or placed in the churchyard without the written consent of the Incumbent or a Faculty granted by the Chancellor, those responsible may be required to remove the same and pay the costs (including the costs of any legal proceedings compelling them to do so).

Reserving a Grave Space

1. It is sometimes desired to reserve a grave space in a particular location. The only way this can be done is by Faculty. Informal arrangements, such as promises or understandings have no legal force and may lead to disappointment and distress. A Faculty is the only guarantee. Special application forms are available from the Diocesan Registry
2. Once the Faculty has been granted, the site of the grave space in the churchyard shall be marked so that it can be located at the time when it will be required for use. The responsibility for such marking rests with the person to whom the Faculty is granted (the 'petitioner'). The petitioner shall discuss the method of marking with the Incumbent and agree it with him / her and then carry out the marking. Marking must take place within 3 months of the grant of the Faculty. The petitioner will be responsible for ensuring that the marker remains adequate for its purpose. It is not the responsibility of the Incumbent, Churchwardens or PCC.
3. The following method of marking must be used unless, upon written application to him, the Chancellor directs otherwise: A durable wooden or metal stake placed at the head of the grave space, marked with the initials of the person to be buried, followed by the year of reservation in brackets; e.g. "A.B.C. (99)".
4. The marking of a grave space in this way will be a condition of any Faculty granted for the reservation of a grave space. A copy of the Faculty will be sent by the Registrar to the Incumbent of the Parish. It must be kept with the Churchyard Plan. The position of the grave should be marked on the Churchyard Plan and identified by name and the date of the Faculty. The responsibility for this rests with the Incumbent and Churchwardens.
5. No markers may be placed until the granting of a Faculty and any markers so placed should be removed.

Exhumations

1. No human remains (including cremated remains) may be moved ("exhumed") without a Faculty and sometimes a Home Office Licence.
2. The process of obtaining a Faculty to permit an exhumation, which can only be granted in exceptional circumstances, is often lengthy and complex.

Management of the Churchyard

Maintenance

1. Under the Parochial Church Council (Powers) Measure 1956, the duty to care for and maintain the churchyard is laid upon the PCC, which has all the powers necessary for that purpose. The following rules are appropriate for the proper exercise of those powers but may be varied, by agreement with the Chancellor, to meet the needs of the local situation. The surface of the churchyard shall be kept, as far as possible, level and free from mounds. The PCC may, at its discretion, level the ground at any time more than twelve months after the latest interment in the grave. Bulbs and small annual plants may be planted in the soil of a grave being within the area previously excavated. Plants or flowers may be placed in a removable sunken container, but unless they are kept tidy, the PCC may treat the grave as part of the turf and mow over it. Wreaths or cut flowers may be laid directly on any grave or placed in any vase authorised by these Regulations. If a built-in vase ceases to be used for a period of twelve months or more, the PCC may insert a matching stone stopper in the vase hole. Artificial flowers of good quality may be placed on a grave at the discretion of the Incumbent and PCC. Both natural and artificial flowers will deteriorate after periods of time. The PCC may remove flowers and wreaths of whatever kind at their discretion if they judge them to be unsightly and all artificial flowers after two months. Any power exercisable by the PCC under section 4 of these Regulations may be delegated (by the PCC) to a person or persons deputed to care for the day to day upkeep and maintenance of the churchyard.
2. Where a churchyard has been closed by an Order in Council, the PCC may request the local authority to take on the responsibility for its maintenance (Local Government Act 1972 section 215). Careful thought should be given before such a request is made, since the PCC then loses control.
3. Whether the maintenance of a closed churchyard is undertaken by the PCC or the local authority, it remains the property of the Incumbent and also subject to Faculty Jurisdiction. A Faculty is still needed for all works which would require a Faculty in an open churchyard.

Health and Safety

1. The PCC, together with the Incumbent, are occupiers of the churchyard for the purposes of the Occupiers' Liability Acts 1957 - 1984. These Acts place upon the occupiers a duty of care to see that the visitor in the churchyard will be reasonably safe. Therefore, there is a duty to ensure, particularly but not exclusively, that walls, trees and memorials are regularly inspected, and the PCC should take reasonable steps to reduce or minimise

foreseeable risk. Such an inspection should typically form part of the Quinquennial Inspection and should also be carried out following exceptional weather conditions. Where the churchyard is closed and responsibility for maintenance has been passed to the local authority, the local authority is also an occupier, but not to the exclusion of the Incumbent and PCC.

2. The person who erects a memorial is responsible for seeing it is kept safe and in proper repair. However, when such a person moves or dies, it is often not possible to trace them or to locate the heirs to enforce repairs or recover the cost. The burden of maintenance in effort and cost thus often falls on the PCC. Should it come to the attention of the PCC that any memorial may be unsafe, it should be roped off immediately. Where the family can be traced, they should be contacted, as responsibility for its maintenance rests with them. Where those responsible for the maintenance of the memorial cannot be traced, the PCC must, by default, take appropriate action. If they have any doubt about the safety of a memorial, they should seek professional advice and should contact the Archdeacon. A Faculty may be required if major repairs are necessary. Memorials of particular distinction may be separately listed.

Trees in Churchyards

The Regulations as to the care of trees in churchyards appear in [Appendix C](#)

Recording the Churchyard

1. Incumbents and Churchwardens are responsible for ensuring that the Churchyard Plan and related Faculties are kept securely in the church or elsewhere, a note being kept as to where they may be found. During a vacancy in the living, it is the responsibility of the Churchwardens to ensure that any Priest-in-Charge or other clergy person responsible for burials is kept fully informed about the Churchyard Plan. Unless this course is followed, a burial could take place in a grave space which had been reserved for someone else resulting in unnecessary distress.
2. If there is no Churchyard Plan, or the existing Plan is not up-to-date, the PCC must take steps to create an up-to-date plan. It should record the location of the church in the churchyard, the location of all trees, bushes, hedges and fences, as well as the location of all memorials. The DAC is willing to give advice as to the preparation of such a plan.
3. All parishes should maintain a record of all memorials in the churchyard including the inscriptions and the names and addresses, both of the persons who caused the memorial to be erected and the mason who carried out the work. This will help the PCC both to locate the appropriate person should repairs to the memorial be required and to assist those carrying out family or other research. The DAC is willing to give advice as to the

preparation of such a record.

Alterations

1. The PCC will wish, from time to time (and typically to coincide with the Quinquennial Inspection), to review the churchyard to see what alterations are desirable. Such a review may encompass Health and Safety, disabled access, the condition of the existing fabric, lighting, tree planning and landscaping. A Faculty is always required before any alteration can be made in a churchyard or burial ground (other than burials and interments, the erection of memorials as provided in these Regulations and routine maintenance).

Closure of a Churchyard

1. Where a churchyard becomes full of burials and there is no further useable space, the Incumbent and PCC may seek to have it closed. Closure of a churchyard for further burials can only be ordered by Her Majesty in Council. Application should be made in the first instance to The Coroners Unit of the Ministry of Justice, (The Coroners Unit, Ministry of Justice, 5th Floor, Steel House, 11 Tothill Street, London SW1H 9LH. Tel: 0207 210 0066). The fact that closure is irreversible should be borne in mind, as well as the fact that closure imposes significant limits on the future use of the land, for example for any form of building. The [Registrar](#) should be consulted before any action is taken.
2. Alternatively, the Incumbent and PCC may prefer to adopt a policy for the reuse of graves where burials took place at least, say, 75 years ago. This is to be encouraged in view of the increasing shortage of land for burials, but requires very careful and sensitive treatment. It will probably involve a Faculty, as memorials may have to be moved. Advice should be sought from the [Registrar](#) as to the legal position, and the [Secretary of the DAC](#) as to the manner in which it should be carried out.

Churchyard Regulations Appendix A

Memorials in Churchyards

An appropriate variety of design is encouraged in choosing materials. Relatives should take the surroundings of the grave and churchyard into account. A suitable choice can often be made from the range of memorials offered by some masons, but individually designed memorials are encouraged. In order to ensure quality and suitability of material and design, memorials which are outside the range of simple designs commonly found in churchyards, whilst not necessarily discouraged, must be authorised by Faculty. The Faculty process will be explained by the Incumbent or you can speak to the [Secretary of the Diocesan Advisory Committee](#) on 01483 790313. Incumbents may authorise the erection of memorials which comply with the following provisions provided the inscription is acceptable to them.

Materials

Memorials must be of weathering, natural stone or slate or hardwood, so that they harmonise with the surroundings. Stones traditionally used in local buildings or closely similar to them in colour and texture are to be preferred. The stone (including the lettering surface) shall not be finished with a polished or reflecting surface. It may not be black, dark grey or red, and no memorials or vases shall be of synthetic stone or plastic.

Design

1. Memorials may comprise a simple headstone, cross, stone vase or urn. A stone wedge or a stone book may also be appropriate for the churchyard, but will require a Faculty. A headstone may have maximum dimensions of 1200mm high above ground level, 900mm wide, 150mm thick (4ft x 3ft x 6ins). A cross may have a maximum height of 1500mm above ground level, 900mm wide and 150mm thick (5ft x 3ft x 6ins). The permitted design requires the cross to be made from a single piece of stone whose width in the earth is at least equal to the width of the cross. A stone vase or urn may have maximum dimensions of 300mm in height by 200mm by 200mm (12ins x 8ins x 8ins).
2. The Incumbent may specify a minimum size, in the regulations given to the bereaved, for all memorials (consistent with other memorials in the churchyard). A typical minimum size would be 350mm high, 500mm wide and 50mm thick (and usually smaller for a child).
3. All headstones and crosses must be securely fixed in the ground, and due regard must be paid to the nature of the ground and the risk of settlement. Masons / funeral directors are strongly encouraged to have regard to the Guidelines issued by the Association of Burial Authorities. The PCC may decide to lay flat any memorial which, in its opinion, is

unsafe.

4. A headstone or cross may stand on a base provided that it is an integral part of the design and firmly fixed to it with non-ferrous dowels. The base may project no more than 100mm (4ins) beyond the headstone in any direction, except where a receptacle for flowers is provided, in which case this must be flush with the top of the base and may extend up to 200mm (8ins) in front of the headstone. The base must be securely fixed on a foundation slab which is flush with or below the ground, so that a mower may pass freely over it. The foundation stone must extend from 75mm (3ins) to 150mm (6ins) all round the base.

Exclusions

There are many practical reasons (e.g. maintenance, appearance) why horizontal ledgers, raised kerbs, railings and stone or other chippings are no longer normally permitted as part of memorials. Similarly, memorials in the shape of a statue or bird bath, or including any image of the deceased or any photograph or coloured drawing are specifically excluded from the delegated authority given to the Incumbent.

Memorials Over Cremated Remains

1. Where cremated remains have been interred in a Garden of Remembrance, then any memorial must follow the terms of the Faculty creating the Garden.
2. Where cremated remains have been interred in an existing grave, an inscription should be added to an existing memorial wherever possible. If there is insufficient space, an additional stone not exceeding 500mm (1ft 8ins) square may, with the consent of the Incumbent, be laid flush with the turf in front of the existing memorial. The stone should match the existing memorial and may incorporate a vase for flowers, provided that the top of it is level with or below the surface of the stone. Any other memorial will require a Faculty. A fee is payable for an additional inscription or stone.
3. For good reason, an Incumbent may agree to the interment of cremated remains in any other part of the churchyard (provided it is not closed). Any memorial over such a burial must fall within the Incumbent's delegated authority or be authorised by Faculty.

Inscriptions

1. Inscriptions must be simple and reverent and appropriate to a churchyard. The Christian and surnames of the deceased should be given, with the dates of birth and death (or age and date of death). Relations named should normally be limited to parents, children and spouse or partner. Quotations compatible with the Christian faith are permitted. The terms of any epitaph must be agreed with the Incumbent as part of the necessary

- permission.
2. Lettering should normally be incised and may be leaded, but plastic or other inserted lettering is not permitted. Incised lettering may also be painted in black or white, as appropriate for the colour of the stone. It should be noted that paint may become illegible in a relatively short period, and may require re-painting.
 3. No advertisement or trademark shall be inscribed on any memorial, but the name of the mason may be inscribed low down on the side or reverse of the stone in unpainted and unleaded letters no larger than 13mm (½in) in height.

Churchyard Regulations Appendix B

Model Regulations for a Garden of Remembrance

In the parish of xxxxxx PCCs will wish to adapt this model to suit their church and any Faculty already granted (e.g. for memorials, other than those provided for below).

Rights of Interment

1. A parishioner has a right to the burial of his / her cremated remains ('ashes') in a churchyard and the remains of non-parishioners can also be buried there if the Incumbent consents. (*The PCC should replace the word Incumbent by Vicar or Rector as required for all occurrences*).
2. Applications for the interment of ashes must be made to the Incumbent, who will decide the place of interment.
3. The names of those whose ashes are interred, together with a record of where they are interred, will be recorded in the Burial Register to be kept in the church safe.
4. A memorial 'Book of Remembrance' will be kept in the church in which entries may be made, subject to the approval of the Incumbent, by a calligrapher approved by the Incumbent.

Memorials

1. [The PCC should choose either] 'Our Garden of Remembrance is designed as a tranquil space with no permanent markers because the burials are recorded in the Book of Remembrance' [or] 'No marker may be placed on the burial plot but permission can be sought from the Incumbent to erect a plaque on the Memorial Wall. The Incumbent's approval is required for the wording, design, dimensions and materials. The PCC Secretary will provide a form of application'. [The exact wording here will depend on the Faculty approval given to the PCC] [or] [Where a Faculty has been granted for the burial plot to be marked by a tablet]. Permission can be sought from the Incumbent to place a tablet, subject to the Incumbent's approval of the wording, design, dimensions and materials.
2. Flowers, or good quality artificial flowers, may be placed at the foot of the Memorial Wall, but not on the burial plot. Both natural and artificial flowers will deteriorate after periods of time. The PCC may remove flowers of whatever kind and wreaths at their discretion if they judge them to be unsightly and all artificial flowers after two months.
3. The fees for the interment of ashes are contained in the current [Parochial Fees](#). Those for inscriptions in the Book of Remembrance shall be fixed by the PCC.

Churchyard Regulations Appendix C

Trees in Churchyards

General

Every PCC has the responsibility for properly caring for the trees within its churchyard or churchyards, whether open or closed to the public. The responsibility covers all aspects, including planting, routine maintenance, lopping, topping and felling. Even if a churchyard is maintained by the local authority, the PCC is not absolved from its primary legal responsibility.

Expert Advice

1. Assessing the safety of trees and planning future planting programmes requires expert skills. Every PCC, therefore, should be prepared to seek and follow expert advice concerning the trees and large shrubs within its churchyard or churchyards.
2. Many local authorities employ an arboricultural officer, who may well be prepared to give advice with regard to the safety of a tree within a churchyard, and what, if any, maintenance or remedial work is necessary. Alternatively, advice can be obtained from an experienced arboricultural consultant. The DAC can assist with regard to names.
3. The prior consent of the Archdeacon is required for all actions (planting, lopping, topping, felling) as explained below. The purpose is to ensure proper advice has been sought.

Inspection

1. There should be a regular inspection of all mature trees in a churchyard approximately every 5 years. This inspection should normally be part of the Quinquennial Inspection and the urgency of any work should be categorised. The Tree Report can be annexed to the Quinquennial Report and is obligatory in the case of a tree subject to a Tree Preservation Order (TPO) (Schedule 3 para 3 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991). If the Quinquennial Tree Report is undertaken by the architect or surveyor inspecting the church, any concern which he or she expresses with regard to the safety of any particular tree or trees should be referred to an expert.
2. If any report reveals the need for emergency works, the PCC must obtain the consent of the Archdeacon. If the report reveals the need for major work, but of a non-urgent nature, the PCC should seek advice from the DAC about the need for a Faculty.

Planting

1. In general, seek expert advice before deciding to plant any tree in any particular part of a churchyard. The growth and spread of a tree must be considered, as well as the fall of

leaves in gutters and the likely impact of the root system on foundations and archaeological remains.

2. Before any tree or substantial shrub is planted in a churchyard, the PCC must obtain the consent of the Archdeacon. Where a major scheme of planting is proposed, the PCC must seek the advice of the DAC and obtain a Faculty for the scheme.

Lopping and Topping

1. All trees are capable of shedding deadwood, particularly beech, ash and sycamore. Standard remedial work, such as the removal of dead, split or hanging branches, and minor pruning with secateurs, can be undertaken without reference to the Archdeacon. More serious surgery, such as cable bracing, crown reduction or the removal of main, but live, trunks or branches, however, calls for expert advice and also needs the consent of the Archdeacon., who in his discretion, may refer the matter to the DAC. When major tree surgery is contemplated, obtain a written report from an expert and submit it to the Archdeacon.
2. No substantial work should be entrusted to volunteers, however willing. Such work is not normally covered by church insurance policies. It is vital to ensure that any contractor is adequately insured against public liability, including third party injury, loss or damage.
3. If a tree is subject to a TPO or is in a Conservation Area, see Tree Preservation Orders below.

Felling

1. Where the PCC is advised by an expert that a tree or trees should be felled for safety reasons or otherwise because of disease, the consent of the Archdeacon must be obtained before felling commences. Except in cases of extreme urgency, when an oral Report will suffice, a written Report must be submitted to the Archdeacon for his consideration. A photograph of the tree or trees in question should be submitted with the Report. A copy of the Report and the photograph should be retained with the PCC records. Where time permits, a PCC Resolution is advisable to demonstrate that the matter has been properly considered.
2. Where the PCC wishes to fell a tree which is sound, but is occupying a space in the churchyard required for some other use, a Faculty is required. This rule does not apply to self-seeded saplings, which may be removed by the PCC without the need for a Faculty or reference to the Archdeacon.
3. The principles set out above apply equally to hedges in, or bordering, churchyards. Where the PCC wishes to remove a substantial churchyard shrub, whether by reason of disease or otherwise, the prior consent of the Archdeacon must be obtained.

Tree Preservation Orders

Where any tree is subject to a TPO or is in a Conservation Area, the consent of the local planning authority must, in general, be obtained before any lopping, topping or felling. Small trees with a diameter less than 7.5cm (circumference of 24cm), measured at 1.5m above ground are exempt; nor is the consent needed when the tree is dead, dying or dangerous (Section 198 (6) (a) of the Town and Country Planning Act 1990). The local planning authority consent is in addition to the Archdeacon's consent or Faculty.

Sale of Timber

Where a tree in a churchyard is felled, topped or lopped, the PCC may sell the timber or dispose of it in some other way. The PCC should apply the proceeds to the maintenance of any church or churchyard which it is liable to maintain, (Section 6 (2) of the 1991 Measure).

Faculties

If a Faculty is required for works in connection with trees, it must be applied for on Form 16 (*Faculty Jurisdiction Rules 2000*) available from the [DAC Secretary](#).

Churchyard Regulations Appendix D

Model Extract from Diocesan Churchyard Regulations for the Bereaved as they apply to xxxxxx Parish

Introduction

This extract from the Churchyard Regulations gives guidance on the procedure for burials and the interment of cremated remains within the churchyard. The full set of Diocesan Churchyard Regulations is available from the Incumbent. (The PCC should replace Incumbent by Vicar or Rector as appropriate every time it appears). Our churchyards are places of great beauty and historical value. The Regulations are designed to maintain and enhance these values with minimum of bureaucracy. There are also practical reasons for some of the rules to allow for ease of maintenance. The family of the deceased bear the cost of any memorials and of maintaining them, but they do not own the grave space and the Parochial Church Council (PCC) has the task of keeping the churchyard in good order.

Burials

(Closed Churchyards) - Our churchyard has been closed for burials by Order in Council. The Incumbent can advise if there are any exceptions to this order (Open Churchyards) - Parishioners (including all those on the Church Electoral Roll) and others who die in the parish, have a right to burial in the churchyard if there is still space available. Permission for the burial of other persons may be granted by the Incumbent. The Incumbent will decide where a burial will take place, but will endeavour to respect the family's wishes. There is a special procedure if you wish to reserve a particular grave space.

Memorials

1. Incumbents have discretion to authorise the erection of any headstone which falls within the types and classes authorised in Appendix A (Memorials in Churchyards). They may refuse to permit the erection of an authorised headstone if they believe it would be detrimental to the churchyard. However, they have no discretion to allow the erection of a headstone that falls outside those authorised. (If the PCC has agreed a special scheme with the Chancellor for all or part of the churchyard, then include reference to it here and attach it to the Extract).
2. If individuals wish to erect a memorial which falls within the Incumbent's discretion, they should apply on Form CR1 (available from the stonemason or Incumbent). Permission is always required and no work should be ordered or put in hand until permission has been granted. If individuals wish to erect a memorial which falls outside the Incumbent's discretion, they may apply for a Faculty giving the grounds for their request. The

Incumbent will advise them how to approach the Diocesan Advisory Committee (DAC) before seeking a Faculty.

3. Bulbs and small annual plants may be planted in the soil of a grave being within the area previously excavated. Plants or flowers may be placed in a removable sunken container, but unless they are kept tidy, the PCC may treat the grave as part of the turf and mow over it. Wreaths or cut flowers may be laid directly on any grave or placed in any vase authorised by these Regulations. If a built-in vase ceases to be used for a period of twelve months or more, the PCC may insert a matching stone stopper in the vase hole. Artificial flowers of good quality may be placed on a grave, but both natural and artificial flowers will deteriorate after periods of time. The PCC may remove flowers of whatever kind and wreaths at their discretion if they judge them to be unsightly and all artificial flower after two months.

Cremated Remains

1. A Garden of Remembrance has been set aside in the churchyard for Cremated Remains [The PCC to reword as appropriate]
2. A copy of the Regulations as they apply to our parish are attached as Appendix B

Approval

This extract from Diocesan Churchyard Regulations has been approved by the Diocesan Registry and came into force in 1995.