



IN THE CONSISTORY COURT OF THE DIOCESE OF CHICHESTER

CHURCHYARD MEMORIALS

Handbook for Incumbents

The Chancellor has recently revised the processes whereby a memorial can be erected in the churchyard without the need for a faculty.

The purpose of the Churchyard Regulations, that have existed for many years, has been to help maintain the integrity and beauty of our churchyard environments. When assessing the merits of a proposed design, the incumbent has always considered whether it is in keeping with the existing churchyard landscape and whether it will be a worthwhile addition to the historic anthology of memorials.

It is important that you recognise that no one knows your churchyard better than you do. You know its general character and the type of memorials that are situated in it – their type and colour of stone, their shapes and sizes, and also any unusual features. You will of course want to maintain that character and ensure that any new memorial fits in well. So you will be anxious to ensure that nothing is introduced that will ‘stand out like a sore thumb’.

Our Churchyard Regulations developed from a common base. In 1993 in *Faculty Jurisdiction of the Church of England*, Newsom provided a sample set of “Churchyard Rules” which became the basis upon which many chancellors promulgated their own rules or Regulations. In the years that followed those were developed by successive chancellors to the extent that there has been until now a considerable diversity across our dioceses as to what is or is not allowed. This has led to confusion for bereaved families and for memorial masons. Further, times have moved on since many of these regulations were last reviewed – our surrounding culture has changed, the types and sources of stone available have changed, and there is now a British Standard in relation to the fixing of memorials.

As you may have understood, until recently the authority that you had to allow memorials to be erected without a faculty, was an authority delegated to you by the chancellor so that you could allow a memorial to be introduced provided it fell within the Churchyard Regulations issued by the chancellor.

Recent changes in the law have made it a requirement that any authorisation to allow a memorial to be placed in a church without a faculty from the chancellor must be under what is called an “Additional Matters Order” (AMO). Such an Order, made by the Chancellor, provides for the introduction of new memorials and also for the repair or alteration of existing memorials, in both cases without a faculty. As for the introduction of new memorials it states that provided the procedure set out in Schedule 2 to the order is followed, a memorial can be erected without the need for a faculty to be obtained. Repairs and alterations are covered in Part 3 of Schedule 1 (see below).

As a result of this change in the law, diocesan chancellors have been working together to produce new regulations through such AMOs for their dioceses that are appropriate for our current circumstances. The new regulations will not be identical in every diocese, as there are some differences that should rightly be preserved, but they will in the future be much more alike as you move from one diocese to another.

The underlying principles have been

- to bring the regulations up to date
- to achieve greater national conformity
- to take away from ministers the pressure they have often come under from memorial masons and/or bereaved families to allow memorials that do not comply with the diocesan churchyard regulations

The structure to the new arrangements is that the chancellor issues an AMO which is an Order made under section 78 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (as amended). That provides for incumbents (or other designated ministers) to allow into their churchyards, without a faculty, memorials that comply with the various conditions set out in Schedule 1 to the Order, provided the procedure in Schedule 2 is followed.

New memorials

The procedure set out in Part 1 of Schedule 1 to the Order says that a new memorial can be introduced without a faculty provided it complies with the specifications in Part 2 of the Schedule.

Part 2 then works through a series of matters in connection with new memorials –

- type (memorials of stone or in some dioceses of wood, Commonwealth War Graves Commission memorials). Of particular note in the Diocese of Chichester, cremated remains tablets are not permitted;
- shape – some examples are shown in the Schedule of common shapes, and they are repeated in the Application Form. However, it is recognised that there are often small variations of these types, e.g. the use of “shoulders” on the top corners of the memorial.
- The dimensions – maximum and minimum dimensions are provided for the different types of memorial.
- Materials – types of allowable stone are provided and coloured stone is permitted provided it fits in with the other memorials in the churchyard. Polished stones continue to be prohibited.
- The inscription – this has often been the most controversial element of any memorial and the guidance is intended to allow inscriptions that are more culturally apposite than has been the case in the past – shortened names and descriptions are generally seen as acceptable. As to the content of the inscription it provides for what must be included about the identity of the deceased and what can be said generally by way of memorialisation.
- The lettering used – again the allowable parameters for lettering (size, colour and more) are provided.
- The use of images or motifs – again what is and is not permitted is spelled out.

- The use of QR codes or other digital connexions continues to be prohibited.

Part 3 of Schedule 1 deals with repair or alteration to existing memorials, of which more will be said below.

If we then move to Schedule 2, this provides the procedure that has to be followed. There is a standard form which must be used. The form has been designed to provide all the information that a minister will need to decide (a) whether the proposed memorial complies fully with the Schedule and (b) why the bereaved applicant wants what is proposed in relation to the inscription.

The Chancellors have produced a booklet entitled a *Handbook for the Bereaved*. It is designed to explain to the family of the deceased the significance of burial in a consecrated churchyard and the consequent restrictions that go with that when compared with being buried in an unconsecrated part of a local authority cemetery. It is essential that any applicant has read that booklet before making their application and the suggestion is that when they approach you about a funeral/burial they are supplied with a copy of it and asked to read it carefully before deciding about the interment of the deceased's remains. And do encourage them to discuss any queries they may have with you.

Part of the application form is to be completed by the bereaved applicant. This must be done, and the form should be returned to the applicant if this part is not fully completed. The importance of this is that it means that applicants affirm that they have read the regulations and therefore know what is involved in a churchyard burial and what is and is not allowed in connection with any memorial. It should therefore make it easier to enforce those regulations if they are breached. It also means that the applicant is accepting their ongoing responsibility in relation to the upkeep of the memorial.

The form also asks about consultations that have taken place within the family about the proposed memorial. It asks about who has been consulted and whether there have been any objections. You will need to be satisfied that the application does have appropriate support within the family. It is important to uncover any disagreements as soon as possible and not to become aware of any family warfare only when the monument has been erected.

Another part of the form is to be completed by the craftsperson or memorial mason who has designed or sold the memorial. This is where the minister is provided with the detailed information which can be checked against the schedule as to dimensions and the other parameters. There must also be a scale drawing of exactly how the memorial and its inscription will appear. Again, if that is not provided the form should be returned and the drawing requested. There are a number of matters that the craftsperson / mason has to sign up to which are very important to ensure that the memorial is erected in an appropriate manner. So if the form is not signed by that person, it should be returned with a request that it is.

It is then the minister's responsibility to check whether the proposed memorial does in fact comply with the requirements of Part 2 of Schedule 1. If it does so comply then the minister can (but does not have to) authorise the introduction of the memorial into their churchyard. There may be good reasons for not authorising a 'compliant' memorial— it may be in accordance with the diocesan regulations but for one reason or another would not fit into the specific churchyard because it would "stand out like a sore thumb". Or there may be things to

do with the inscription, such as who is or is not named, which do not infringe the regulations but which might cause offence in the wider bereaved family or in the local community.

The part that the minister signs has those three options – (i) it conforms and it is to be allowed in, (ii) it does not conform in respect of matters identified and so cannot be allowed in other than by a faculty, (iii) it conforms but will not to be allowed in by the minister for reasons that should be given.

At the end of the form below the part signed by the minister is a statement:

If the minister has not granted permission for the memorial to be introduced then the applicant may amend their application to one that is more likely to be acceptable and resubmit it, or they can petition the Diocesan Chancellor for a faculty to permit them to introduce the memorial.

The process for making such a petition for a faculty is set out in the Handbook for the Bereaved.

It is always open to the applicant to apply for a faculty and the chancellor will obtain all necessary information to enable them to make a decision.

However, there is also a middle course. It may be that the memorial applied for does not come within the strict requirements specified in Schedule 1. However if it is something that the minister would be happy to have in the churchyard then the minister can refer the application via the registry to the chancellor who can declare that it is “to be treated as if it were so specified” (i.e. as if it did fit the regulations) and if the minister receives such a direction from the Chancellor, the minister can then authorise it to be introduced.

The sort of circumstances that are envisaged with this provision are where the dimensions are just outside the ones in the Schedule, ie a child’s memorial might be narrower than the minimum 375mm provided for. Or the imagery on the surface might cover marginally more than 20% of the surface area. In all likelihood the chancellor would say in these cases that it can be treated as if it fell within the parameters.

It is also the case that if, as chancellors very much encourage, the family have not gone to a local memorial mason for an “off the shelf” the memorial, but have employed a craftsperson (in all probability they would be going to a member of the Lettering Arts Trust) to design a bespoke memorial, its lettering may be outside the permitted parameters. However one only needs to look at such proposals to see that they are in good taste and will be a benefit to the churchyard. Again the chancellor is likely to say that such an application can be treated as if it came within the specifications of Schedule 1.

It may be that the Chancellor feels that such an application which has been referred to them under the previous paragraph is too far removed from the regulations to be able properly to be described as “similar” or “comparable”, and should therefore only be allowed pursuant to a faculty. And, if the Chancellor considers that it is one that in all likelihood would be granted a faculty, subject to any objections or other views raised during the faculty process, they may say so. That of course would be an assurance to a potential petitioner that the costs are unlikely to exceed the filing fee by any significant amount. A Chancellor might also give such an indication at an early stage on being shown a sketch of a proposed memorial drawn up by a craftsperson before they get involved in any more expensive detailed design work.

Repair or alteration

These applications are dealt with under Part 3 of Schedule 1. For the most part you will be dealing with memorials that have been lawfully introduced at an earlier time. ‘Lawfully introduced’ means either that written permission was granted by yourself or a previous incumbent or that it was introduced under a faculty.

It is usually necessary for a memorial to be taken off site for work to be done, or sometimes in the case of repairs, to be dismantled and then re-erected. The person doing that work has to undertake to do so in accordance with the requirements of BS 8415.

Also, it is important that any additional inscription matches what is already on the memorial in style. And the content must be appropriate and in accordance with the provisions for new memorials.

The application form will make clear if this is for repair or alteration and should be examined carefully to see that all the required information has been provided.

Looking in more detail at the application

Above all else you will need at all times to have in mind the character of your churchyard. You will want to ensure that any new memorial ideally will enhance but as a minimum will maintain the character of the churchyard.

As referred to above, from time to time you may have the benefit of admitting a bespoke memorial, in which case it will probably have been designed by a member of the Lettering Arts Trust (formerly known as Memorials by Artists). Members of the body have a great understanding and appreciation of the quality of our churchyards and have the skill and expertise to design appropriate memorials that provide great satisfaction for the bereaved family who feel that something special is marking the resting place of their loved one.

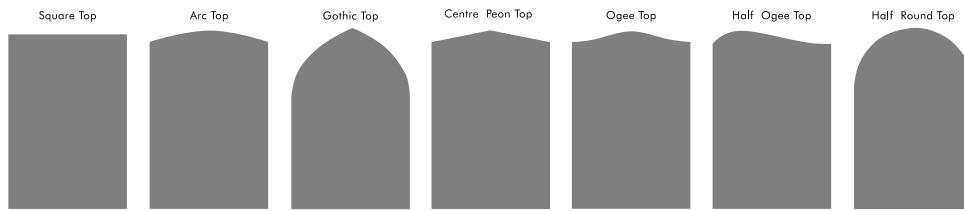
However each of these will need to be examined carefully as they may be outside one or more of the parameters in Part 2 of Schedule 1. In that case you may be able to approach the chancellor, through the registry, to see if they can nevertheless be admitted without a faculty.

The majority of your applications will probably relate to what are generally described as “lawn memorials”. These are normally purchased out of a memorial mason’s catalogue, many of which have a section dealing specifically with churchyard memorials. Many memorial masons are well aware of the churchyard regulations and what is and is not allowed in churchyards. Sadly, that does not apply to all memorial masons, and you must examine all applications carefully to see that they are compliant.

A number of the issues for you to address are set out below.

1. Shapes

The application form provides examples of some of the more common shapes of memorial. They are these:



Other similar shapes would be these:



It is hoped that these show many of the sort of shapes that are common and would usually be appropriate in a churchyard.

Note that lawn type memorials provided by the Commonwealth War Graves Commission are acceptable even though they are in a number of respects outside the parameters of the Schedule 1.

Obviously as has been the case for many years, shapes such as hearts and teddy bears are not acceptable unless allowed by faculty.

2. Dimensions

Do check these. Most of the lawn memorials provided out of catalogues will fall within the maximum and minimum dimensions allowed. Particular care should be taken over the memorials for children as these are likely to be small and around the minimum dimensions.

3. Type of stone

The Schedule refers to sandstone, limestone and granite and to slate, although technically slate is not a stone. Many catalogues use different names to differentiate between different types of a particular natural stone (ie sandstone/limestone/granite), these are usually no more than brand names. In most dioceses marble is not allowed without a faculty.

4. Colour of stone

Again the key factor here is that the colour of the stone will blend well with the other memorials in the churchyard.

5. Polished stone

This is not allowed. By 'polished' is meant a stone that is reflective.

6. Other issues about the stone

There has been an issue about the use of imported stone over native stone. Concern has been expressed that the carbon footprint of imported stone should militate against its use. However it has to be recognised that native stone suitable for memorials is increasingly rare and increasingly expensive and so generally imported stone will be thought to be appropriate. Another issue has been the fear that child or slave labour may have been used in its extraction or production. A number of importers of stone have given assurances that they have visited the mines and factories they import from and have been satisfied that there is no such risk with what they are importing.

7. Inscriptions

You will need to pay close attention to the proposed inscription. Schedule 1 spells out what the ground rules are.

- a. Above all else it must be factually accurate. You will have to take much on trust and are not expected to do a deal of detective work.
- b. Obviously, you will not want anything that might be considered by anyone to be offensive or controversial. You will generally follow your own instincts on these issues.
- c. It must not be inconsistent with Christian doctrine. This can sometimes be difficult when people want to refer to the life hereafter and so will perhaps want to refer to people shining as stars in the sky. If you have doubt about this, it is always something about which you could seek the chancellor's guidance.
- d. The name of the deceased should be sufficient properly to identify them. In the past nicknames or shortened forms of name were generally not accepted. Times have changed and generally now names by which people were known are acceptable. Other relationships are commonly referred to and again shortened forms such as 'Grannie' are now acceptable.
- e. In relation to dates, the date (or at least the year) of death should generally be recorded and if the age at death is not recorded then the year (at least) of birth should also be recorded.
- f. References to their occupation, their hobbies or other interests are not inappropriate as such.
- g. Quotations for scripture or perhaps poetry can be appropriate provided they do not descend into doggerel.
- h. On the whole humour is best avoided as it can so easily be misunderstood.
- i. There is nothing inherently objectionable about some or all of an inscription being in a language other than English. It will depend on the particular circumstances of each case.

8. Lettering

Lettering should be no more than 50mm in height, although note what is said above about bespoke designed memorials. It should either be cut into or carved in relief on the face of the stone.

As to colouring you should be guided by what is traditional in your own churchyard. In the Diocese of Chichester, Nabresina limestone may have lettering picked out in contrasting matt; and slate and granite in off-white matt.

9. Imagery, motifs etc

This is something you will also need to give careful attention to.

There is some imagery that is purely decorative – perhaps flowers or geometric shapes. These are not usually controversial.

Other imagery can be specifically related to it being a memorial, such as a cross, or more tangentially – angels or stars. Sometimes the imagery may be connected to what is said in words on the memorial. And sometimes the imagery is related to the life of the deceased, maybe representing their work or some hobby or other interest.

Sometimes people want to use insignia of some sort such as a badge or emblem that was significant for the deceased. That can be more difficult as the intellectual property rights will almost always belong to someone, such as the football club whose badge it is. In such cases it will be necessary to have the written consent of the owner to use their badge or motif.

Again the issue will be one of what seems to be appropriate and how it fits with what is on other memorials nearby.

Size of image. The image should not occupy more than 20% of the surface area of the face of the memorial. In many cases this will not be something that will be capable of precise measurement, but it should be applied as closely as possible.

And QR codes and the like continue to be prohibited.

Conclusion

As with so much else today, there is much change taking place as to how life events are dealt with in contemporary society. However, our churchyards have a unique role and consequent character in our communities. The changes that have been introduced into our Churchyard Regulations are intended to accommodate those changes whilst maintaining the character of Churchyards.

Your role is vital in that. It is hoped that this booklet will help you in the discharge of that role. If you have any questions or issues about any of the above matters or anything else to do with your role, please do not hesitate to raise them in the first place with your diocesan registrar.

Adopted by the Chancellor of Chichester, 5 April 2026