

RE-USE OF GRAVES

Closing a Churchyard

Churchyard maintenance can be costly. When a churchyard is full, or almost full, there is a financial incentive for a PCC to consider either taking on more land for burials or undertaking a scheme to re-use old grave spaces. If neither option is taken up, a PCC may apply to the Justice Ministry (advice is available from the Diocesan Registrar) for a closing order on its churchyard and subsequently request the local authority to take over responsibility for the churchyard's maintenance (the Local Government Act 1972). This may not, however, result in a standard of maintenance acceptable to the congregation. So, with help from the Archdeacon, careful consideration of the pros and cons is needed before seeking a closure order.

Re-use of Graves

If a churchyard is becoming full and either:

- a) The burial authority (i.e. the borough or parish council for the area) is having genuine difficulty in finding new burial ground; or
- b) The PCC feels that parts of the churchyard can and should be re-used to enable members of the present or future congregations to be buried in due course within the churchyard, then the PCC may decide to consider the re-use of graves.

The consideration of re-use of parts of the churchyard should not, however, be offered to burial authorities as an easy solution to their otherwise having to acquire land for burial purposes. There is particular pressure on burial space in predominantly urban areas (especially Greater London) and there will be increasing pressure over the next 10-20 years.

If a PCC contemplates re-using part of its churchyard, it should proceed only on the basis that it will be necessary both to seek advice from the DAC and to make a faculty application.

In a review of burial law and policy, the Government concluded that the re-use of graves is, in principle, justified but that 100 years should normally be the minimum time to elapse before a grave can be re-used. Families should have the opportunity to defer re-use of their relatives' graves for at least another generation. There is support for the "lift and deepen" technique which offers some practical advantages, not least the re-assurance that remains will continue to be buried where the deceased, or their family, wanted them to be laid.

No area should be considered for re-use if:

- a) It is known that there has been a burial within the area during the last 100 years;
- b) The area is subject to an existing personal right of burial by means of a faculty to reserve grave space (in case of doubt, check with the Diocesan Registrar);
- c) The area is subject to any relevant prohibition or restriction imposed by Order in Council (in case of doubt, check with the Diocesan Registrar).

It is most unlikely that a faculty will be granted for the removal of ancient headstones or box tombs, which contribute significantly to the attractive setting of an old churchyard. In general, therefore, any scheme should start from the proposition that such ancient headstones or box tombs are left as they are, and any new memorial stones should be in keeping with them.

Every scheme should incorporate very strict requirements with regard to the design, position, material, dimensions, inscription, finish and colouring of new memorials, so that the latter will not be out of keeping with existing ancient headstones or box tombs. These requirements will be considered as part of the faculty application by the DAC and will become a condition of the eventual faculty granted by the Chancellor of the Diocese.

Every scheme should have an accurate survey plan of the whole churchyard at scale 1:500 attached to it. The plan must show:

- a) Existing features which will not be disturbed;
- b) Areas which are proposed for re-use;
- c) The priority with which such areas are likely to be used; and
- d) An indication of the number and location of proposed new grave sites.

If it is proposed that any existing memorial stones be removed, the plan must indicate which stones and where they are to be re-sited. Every effort must be made to contact and obtain the written consent of any known relatives of the deceased.

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.

In its review, the Government gave careful consideration to the need for local public consultation. It came to the conclusion that, while many local burial authorities may feel that this is an appropriate step to take, such a wide and time-consuming exercise may not be necessary in all cases, and that a more focused requirement to consult relatives affected, key organizations with a proper interest (such as English Heritage, Natural England) and local community representative bodies, would represent a satisfactory minimum approach.