

# DIOCESE OF WINCHESTER



## Chancellor's Regulations

### Introduction

1. Any memorial needs permission before it can be placed in a churchyard. These Regulations are made by the Chancellor of the diocese of Winchester to explain how to get permission, and what is likely to be permitted. **If a memorial or other item is placed without permission, then the Chancellor can order that it is removed immediately.**
2. The reasons why these Regulations exist and take the form that they do are set out in an appendix below. In short, churchyards are different to local authority cemeteries, in that they will be attached to a church building (which is often listed, or otherwise of historic and architectural interest) and used by a worshipping community. As such, there needs to be more careful control over what memorials can be placed there. **The presence of some memorials which do not conform to these Regulations does not necessarily set a 'precedent' for further such memorials.**
3. If the proposed memorial is within these Regulations, permission can be granted by the Vicar.<sup>1</sup> The Vicar is not obliged to grant permission for a memorial within the terms of the Regulations if he or she considers it is unsuitable; if the Vicar is in any doubt he or she is encouraged to refuse permission so that the matter can be more fully considered. If the Vicar refuses permission, then an application can be made to the Chancellor for permission. If a memorial is not within the Regulations, permission can only be granted by the Chancellor. These Regulations only apply to memorials as such. Other items, such as benches, which may be placed to commemorate a loved one, will always need specific approval from the Chancellor.
4. The Regulations describe memorials which will generally be acceptable in the churchyards of the diocese. As such, if a memorial is within the terms of the Regulations, it is more likely to be permitted. If it is outside the terms of the Regulations, then it is less likely to be permitted. Some types of memorials will only be permitted in exceptional circumstances.
5. Some churchyards have their own regulations which have been approved by the Chancellor to accommodate particular local conditions. If so, those regulations will apply in place of these ones. Relatives can check with the Vicar or Registry Office (contact details below) if in doubt about this or any other aspect of the Regulations.

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<sup>1</sup> In these Regulations, the term 'Vicar' includes a Rector, Priest-in-Charge and, where there is a vacancy, the Area Dean. The term 'he' is used

## **General principle**

6. The Vicar may permit *either* an upright headstone *or* a ledger stone on each grave, provided that it falls within the standard specifications set out in the following sections, and the sections on materials and inscriptions below.
7. Any memorial permitted under these Regulations must be fixed securely and in accordance with BS8415, and the construction dowels and fixings should be in accordance with the National Association of Memorial Masons code of working practice.
8. The Regulations also contain provisions on commemoration after cremation, flowers and churchyard maintenance.

## **Standard Specifications**

### *Upright headstones*

9. In order to fall within the standard specifications, an upright headstone must be of the following dimensions:
  - a. Adult headstones between 75 cm (2ft 6") and 120 cm (4ft) in height; 50 cm (1ft 8") and 90 cm (3ft) in width; and 7.5 cm (3") and 15 cm (6") thick. Or in the case of slate headstones, no thinner than 3.8 cm (1.5");
  - b. Headstones for children may be smaller but no less than 60 cm high, 37.5 cm wide and 5 cm thick. (2ft high x 1ft 3" wide x 2" thick)
10. In order to fall within the standard specifications, an upright headstone must be of one of the following three designs:
  - a. Inserted directly into the ground at sufficient depth to ensure stability; or
  - b. On an integral base, no more than 22.5 cm high (9"), 90 cm (3ft) wide or projecting 10 cm (4") in any direction; or
  - c. On a vase base, no more than 10 cm (4") on either side; the base being no more than 37.5 cm (1ft 3") front to back.
11. Alternatively, a cross or Celtic cross no more than 180 cm (6ft) in height (in wood or any other material listed in the 'materials' section below) is within the standard specifications.
12. Alternatively, a plain open book memorial no more than 60 cm (2ft) wide and 45 cm (1ft 6") high (including any plinth or base) is within the standard specifications.
13. Alternatively, a flower vase no more than 30 cm (1ft) in height, width or length, and fixed securely to a foundation stone flush with the ground is within the standard specifications.

### *Ledger stones*

14. In order to fall within the standard specifications, a ledger stone must be no larger than 210 cm (7ft) by 90 cm (3ft), including the base.
15. Any base should extend no more than 7.5 cm (3") all around and itself be flush with the turf.
16. In order to fall within the standard specifications, a ledger stone must be positioned:
  - a. Flush with the ground; or
  - b. At a slight angle to enable rainwater run off; or
  - c. Raised not more than 22.5 cm (9") above the level of the ground.

### **Standard specifications: materials**

17. The Vicar may permit a memorial in any of the following materials:
  - a. Limestone (such as Portland, Purbeck, Derbyshire, York, Hopton, Nabresina, French, Portuguese);
  - b. Slate (Light Grey, Blue/Black, Green);
  - c. Granite (Blue, Rustenburg (Charcoal), Grey), as long as it has a matt, or honed, rather than a polished finish.

### **Standard specifications: inscriptions**

18. The Vicar may permit an inscription which:
  - a. is simple, reverent and not contrary to the doctrine of the Church of England;
  - b. is set out in plain carved lettering or lettering painted black, white, cream, grey or gold (or lettering already present on a lawful memorial);
  - c. includes if desired a scriptural text, an extract from a poem or other suitable phrase.
19. The Vicar may also permit the following elements of decoration:
  - a. A badge or insignia from the armed forces (with written permission from the regiment or other body);
  - b. Small (i.e. in the region of 10 cm (4") x 10 cm (4")), well carved engravings either uncoloured or painted in sensitive colours, depicting some item of particular relevance to the deceased. Designs which are offensive, inappropriate or contrary to the doctrine of the Church of England may not be permitted by the Vicar.

### **Other designs of memorial**

20. Where a memorial falls outside the standard specifications set out above, the Vicar should consult the Parochial Church Council ("PCC") and the Archdeacon. If the following three conditions are satisfied, the Vicar may permit the memorial even though it falls outside the standard specifications:
  - a. The PCC votes unanimously in favour of permitting the memorial; and

- b. The Archdeacon is satisfied that the memorial does not represent a significant or harmful departure from the terms of these Regulations; and
  - c. The memorial does not fall within the list at paragraph 22 below.
21. If one or more of these three conditions is not met, then permission can only be granted by making an application to the Chancellor. Permission granted by the Chancellor is known as a “faculty”. There is a fee for faculty applications. Faculty applications forms may be obtained from the Registrar of the diocese (contact details given below).
22. The following memorials or features will generally be harmful and discordant in the churchyards of the diocese. They will therefore only be permitted by the Chancellor in exceptional circumstances:
- a. Memorials in highly polished or black materials;
  - b. Memorials in the shape of a heart or any other object (other than a book, see above);
  - c. Memorials with kerbed surrounds, railings, chains, chippings or glass shades;
  - d. Photographs, etched photographs or ceramic portraits of the deceased;
  - e. Large painted or carved motifs;
  - f. Stone, concrete, metal, plaster or plastic objects e.g. model people, animals or toys;
  - g. Moving items such as windmills or windchimes;
  - h. QR codes.

### **Commemoration after Cremation**

23. It should be stressed that the scattering of ashes or unofficial interment of ashes is never permissible in a churchyard. Concerning ashes which are lawfully buried, parishes are encouraged to produce rules for a Garden of Remembrance which must be approved by the Chancellor before taking effect. In the absence of such rules, the Vicar may permit stones over cremated remains as long as they are:
- a. Flat tablets no bigger than 40 cm (16”) by 40 cm (16”); and
  - b. Laid flush with the ground, or affixed to a wall if appropriate.

### **Flowers**

24. The Vicar may permit flowers to be placed in the churchyard, provided that they are:
- a. Real flowers or, if artificial, made from silk or similar fabric, but not plastic (save for Remembrance poppies); and
  - b. Not contained in any plastic wrapping, bow or temporary container; and
  - c. Placed in the receptacle for flowers, if one has been incorporated into the design of the memorial; or
  - d. Otherwise, placed in a removable container sunk into the ground.

25. The Vicar and PCC may remove or authorize<sup>2</sup> the removal of any flowers which do not comply with these conditions.
26. The Vicar may allow bulbs to be planted in the soil on any grave, but the planting of shrubs, trees, conifers or other perennial plants may not be permitted by the Vicar.

### **Churchyard Maintenance**

27. The Vicar may give written permission for the temporary removal of a memorial for the purpose of cleaning, repair, renovation, altering or adding to the inscription.
28. The Vicar and PCC may remove or authorize<sup>3</sup> the removal of any flowers if they are:
- a. Wilted or dead (in the case of real flowers); or
  - b. Broken or otherwise in an unsightly condition (in the case of artificial flowers).
29. Small items (such as model people or animals, toys, windmills or windchimes) are sometimes placed in churchyards without authorization. The Vicar and PCC may remove or authorize<sup>4</sup> the removal of such items from a grave once a year has passed from the latest internment in it, on condition that:
- a. The items are retained for two months before being disposed of;
  - b. Notice is left at the grave and/or given to the relatives of the deceased that items have been removed from the grave together with details of where they can be collected from if required.
30. Likewise seasonal tributes (cards etc.) are sometimes placed without authorization. In the case of floral tributes, these should be dealt with in accordance with paragraphs 24, 25 and 28 above. In other cases, the Vicar and PCC may remove or authorize<sup>5</sup> the removal of such tributes from a grave once two months have passed, or sooner if they are in an unsightly condition.

### **Contacts**

31. General information about the operation of these Regulations, and faculty application forms, may be obtained from **the Diocesan Registrar**.

**Address:** Winchester Diocesan Registry, Minster Chambers, 42 – 44 Castle Street, Salisbury, SP1 3 TX (open during normal working hours)

**Telephone:** 01722 432390 (Registry team)

**Email:** registry@battbroadbent.co.uk

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<sup>2</sup> This authorisation may be granted on a ‘case by case’ basis, or a particular individual (e.g. a churchwarden) may be authorised generally to remove flowers which do not comply.

<sup>3</sup> See footnote 2 above.

<sup>4</sup> See footnote 2 above.

<sup>5</sup> See footnote 2 above.

## Appendix

### Reasons for the Regulations

1. These reasons do not form part of the Regulations, but are provided to assist with better public understanding of the background to the Regulations.
2. Churchyards are different to local authority cemeteries, in that they will be attached to a church building (which is often listed, or otherwise of historic and architectural interest) and used by a worshipping community. As such, there needs to be more careful control over what memorials can be placed there.
3. The control is provided by the requirement for a *faculty* (permission) from the Chancellor before any memorial can be placed in a churchyard. However, it would be both expensive for those looking to place memorials (there is a fee associated with the faculty application process) and unduly burdensome for the Chancellor if every memorial had to be individually approved. As such, these Regulations set out certain classes of memorial which will generally be acceptable. In such cases, the decision can be made in the first instance by the Vicar.
4. Where, on the other hand, memorials do not fall within the Regulations, this will indicate that (as a divergence from the norm of what is generally acceptable) they will need closer consideration before they can be permitted. Certain classes of memorials are so out of keeping with the churchyards in the diocese that they are generally considered to be harmful, and as such should only be permitted in exceptional circumstances.
5. The judgment about what is generally acceptable or generally unacceptable has been formed with the benefit of many years of practical experience of what works and does not work in churchyards. It is not a universal or timeless standard but has changed as circumstances have changed. It has been informed by wide consultation, and takes account of the following factors:
  - a. Theology: memorials in a consecrated churchyard must not be contrary to, or indicative of any departure from, the doctrine of the Church of England in any essential matter, although in a secular and multicultural age they do not have to be positively Christian in character;
  - b. Aesthetics: the appearance of the memorial in itself is important. It should not have an appearance which is discordant or likely to detract from the atmosphere of the churchyard as a place of quiet prayer, reflection and commemoration. The Chancellor will not seek to

- impose any particular style or subjective judgment as to what is aesthetically pleasing, however;
- c. Setting: the churchyard frequently forms the immediate setting of a church, and it will be necessary to consider whether the proposed memorial will add to or detract from that setting. This is particularly important where the church is listed, as the setting of a listed building is given enhanced status for consideration by the law of the land;
  - d. Practicality: the impact of a proposed memorial on practical aspects of the life of the church such as churchyard maintenance and health and safety are important considerations which should not be overlooked.
6. It should be stressed again that the Regulations do not place limits on what may be acceptable. If some other design is justified, then that can be approved by the Chancellor.

Cain Ormondroyd  
Chancellor of the Diocese of Winchester

June 2019