

Diocese of Down and Dromore

REGULATIONS AND CHARGES FOR BURIAL GROUNDS AND GARDENS OF REMEMBRANCE

*These general Diocesan Guidelines will be reviewed triennially by the Diocesan Council.
(Reviewed 5th December 2018)*

DIOCESAN COUNCIL GUIDE FOR SELECT VESTRIES

Regulations

Before they are implemented, Select Vestries are required to submit to the Diocesan Council for approval, through the Diocesan Secretary, proposed regulations for the management of burial grounds and any area of the churchyard used for the burial of cremated remains which are vested in the Representative Church Body.

The regulations attached to this guide for Select Vestries are presented as templates which should form the basis of the Regulations for Burial Grounds (and, if appropriate, Gardens of Remembrance) which are to be adopted by each parish in the Diocese. They reflect the requirements of Chapter 12 of the Constitution of the Church of Ireland and the legal position pertaining in Northern Ireland in 2012.

The structure, content and wording of the regulations have been approved for use throughout the Diocese and should be adhered to as closely as possible. Minor local variations are envisaged, and all variations must be submitted to Diocesan Council before proceeding further. Fees and charges as agreed by the Select Vestry must be inserted as appropriate in the lilac coloured boxes. Where options are given in both templates, the Select Vestry must choose which to include in the regulations for their parish.

When submitted to and approved by Diocesan Council, a copy of the parish regulations should be placed on display in an accessible place in the parish and should be forwarded to local undertakers.

General Information – Burial Grounds/Gardens of Remembrance

Most parishes restrict availability to their burial grounds and gardens of remembrance to parishioners, their immediate families or former parishioners, or any member of the Church of Ireland dying in the Parish. Any pre-disestablishment graveyards still in use are held in trust for all parishioners, no matter to what religion they belong, and they have a general right of burial as does anyone dying in the parish.

The officiating member of the clergy and churchwardens do not have title or power to sell or grant any exclusive right of burial in any graveyard.

It is for the officiating member of the clergy and churchwardens to decide on the place of burial in a graveyard, subject to the following:

- a. The Constitution provides that when members of a family have been buried in a particular place, the clergy and churchwardens will only interfere with their use of the place in circumstances of urgent public convenience or necessity.
- b. Further, under section 170 of the Public Health (Ireland) Act 1878 where a burial place has been used by a family, the remains of a person not having been a member of that family, are not to be buried in that burying place without the written consent of some immediate relative of the member of the family last buried there. It follows that there cannot be a transference of burial *rights* outside family members.

When members of a family have been buried in a particular place and following the death of a member of a family there is remaining space available, a family may apply for such remaining space to be used for members of that family. Any such application should be made to the officiating clergy and churchwardens requesting that an endorsement should be made on the burial registration papers. Where there is a difference of opinion within a family as to who should hold the registration papers this should be referred to the officiating member of the clergy for guidance.

In all parish regulations, it is important that the officiating member of the clergy and churchwardens are identified as persons who have responsibility for the care of burial grounds on behalf of the Representative Body. While a "Graveyard Secretary" or other church officer is often used, his/her role is subject to the control of the clergy and churchwardens.

No ground may be consecrated (even as a garden of remembrance only for the burial of cremated remains) without the appropriate faculty from the Bishop of the Diocese, and without the appropriate permission of the local council, including planning permission. If ground which has already been consecrated is to be used for burial, planning permission for change of use may still be required. If there is any doubt about the consecration of any ground, please contact the Diocesan Office.

It is good practice for each parish to maintain a map or plan of its graveyard, with detailed records of the names and addresses of those who hold the relevant burial registration papers for each interment space.

A formal Register of Burials must be kept by each parish in accordance with Chapter III Section 25 of the Constitution of the Church of Ireland.

Note 1: The allocation of a burial space does not confer legal title or exclusive right of burial.

Note 2: Constitutionally, an exclusive right of burial in a particular grave plot can only be granted by a faculty from the Bishop – the last such in this Diocese was granted in the 19th century.

Gardens of Remembrance

Where a parish decides to use an area of ground in its churchyard for the burial of cremated remains, the Select Vestry is required to prepare specific regulations for its control. As stated above, such regulations and their accompanying schedule of fees should be submitted to the Diocesan Council for approval.

The application of all such regulations is at the sole discretion of the officiating member of the clergy and churchwardens, to whom all matters regarding the regulations should be addressed.

Interments should be recorded in the parochial Register of Burials. In addition, some parishes may wish to use a Memorial Book with the month, week or day of death being recorded and the Book made available within the church building.

Where a garden with undefined spaces is used, care needs to be taken that the whole expanse of the ground is used systematically, to allow for the biodegradable containers to degrade. This may be done with grid-lines on a map which the gravedigger uses for guidance purposes.

If spaces are to be allocated, parishes may opt to permit plaques with the name of the deceased, their years of life and a space number marked on them. Alternatively, the stone or concrete block set on top of each space may be engraved, with approval. Where a single approved style of plaque is to be used, it is appropriate that plaques should be purchased and installed by the parish and that the costs incurred are included in setting the charge for the allocation of the spaces.

In designing the garden, parishes may wish to use plants, including bushes and small trees to provide all year round colour at the fringe of a grassed or wood-shaving covered area. The location of the gardens should be sufficiently open to allow a significant number of people to observe the interment, even though there may normally be few mourners at this stage of the funeral. Thought should be given to the provision and proximity of a paved area for observers nearby if the plot itself is small.

Note 3: The act of cremation is symbolically incomplete without interment. The ashes of a cremated body, therefore, should be reverently buried in consecrated ground or in some place set aside for that purpose.

GRAVEYARD REGULATIONS AND CHARGES

PARISH OF

Name of parish

INTRODUCTION

- The burial ground at *Name of church* is managed by the officiating member of the clergy* and churchwardens of the parish in accordance with the Parish Graveyard Regulations.
- All committals should be conducted by a minister who is authorised to do so.
- Any requests for allocation of interment spaces, permission to bury, or the erection of headstones or grave surrounds must be directed to the officiating member of *Name of graveyard registrar* the clergy and churchwardens [OR to who will respond on their behalf].
- Normally the holder of burial registration papers will make application for burial to the officiating member of the clergy and churchwardens; these papers should be produced before a burial can take place.
- When members of a family have been buried in a particular place and following the death of a member of a family there is remaining space available, a family may apply for such remaining space to be used for members of that family. Any such application should be made to an officiating member of the clergy and churchwardens requesting that an endorsement should be made on the burial registration papers. Where there is a difference of opinion within a family as to who should hold the registration papers this should be referred to the officiating member of the clergy for guidance.
- As the burial ground is subject to natural decay, those holding burial papers should ensure that headstones, flatstones, memorials and grave surrounds are at all times maintained in good order for the benefit of other graveyard users.
- No permanent memorial marks, other than those approved below, may be placed on graves. Any hazardous or dangerous memorial or surround may be removed in the interests of safety.
- Unauthorised memorials may be removed by instruction from the officiating member of the clergy and churchwardens at the expense of those holding the burial registration papers.
- Prior to installation plans and proposed designs for headstones, flatstones and surrounds and for any treatment of the grave surface must be submitted to the clergy and churchwardens for approval.
- Any proposed inscription must be approved by the clergy.
- **The Charges included in this Regulation are based on the Local Government Charges for use of municipal graveyards.**

The charges outlined below are those approved by the Diocesan Council for this burial ground. Please note that interment spaces remain the property of the Church of Ireland

The charges itemised are payable in advance to

PLEASE NOTE: *Normally the officiating member of the clergy is the incumbent/rector. In the event of a vacancy the Area Dean is the officiating member of the clergy.
The allocation of a burial space does not confer legal title or exclusive right of burial.

GENERAL RULES

- The officiating member of the clergy and churchwardens shall have the power to remove any bush, shrub or other form of growth which they consider to be detrimental to the burial ground or to any other interment space.
- Artificial wreaths or other adornments are not permitted in the churchyard.
- The time of the burial must not be arranged without prior permission of the officiating member of the clergy and churchwardens and reasonable notice must be given.
- No burial will take place within 30 minutes of /during times of Divine Service.
- No coffin shall be laid in any grave nearer to the surface than 3ft 25 inches/1 metre, measuring from the upper part of the coffin.
- No coffin shall be buried within 12 ft/ 3.66 metres of the fabric of the church except in an existing vault.
- Foundations of headstones must be a minimum of metres deep from ground level and have a minimum width of metres.
- A fee will be charged where ashes are being interred in an existing grave.

GENERAL RULES (optional/additional at discretion of parish).

- No family may have an allocation of more than interment spaces unless in exceptional circumstances.
- In the interest of graveyard maintenance, surrounds are not permitted.
- No interment space shall be allocated until the necessity arises.
- All floral and other tributes may be removed from the grave after the interment, by instruction of the officiating member of the clergy and churchwardens [or graveyard registrar].

- An annual contribution of **£20 to £50** will be charged for the upkeep of the churchyard grounds.
 - No major or disruptive grave maintenance work to be carried out on a Sunday.
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ALLOCATION OF INTERMENT SPACE

Size:

Burial Space

8ft x 4ft / 2.40 metres x 1.20

Fee for allocation and registration of each new space:

*To be paid by a bona-fide subscribing parishioner:

£100 to 600

*To be paid by a non-parishioner or non-subscriber:

£600 to 1500

These charges would normally include the cost of the first opening (Optional).

**See footnote at end of document*

Duplicate Papers:

A fee of **£10 to 30** will be charged.

CHARGES FOR PERMISSION TO ERECT HEADSTONES AND GRAVE SURROUNDS:

Headstones only

*To be paid by Subscribing Parishioners

£50 to 100

*To be paid by Non-Parishioners and Non-Subscribing Parishioners

£100 to 200

Surrounds (including headstones)

*To be paid by Subscribing Parishioners

£100 to 200

*To be paid by Non-Parishioners and Non-Subscribing Parishioners

£200 to 400

**See footnote at end of regulations*

CHARGES FOR OPENING INTERMENT SPACE

Paid by *parishioners: Not more than £100

Paid by *non-parishioners and non-subscribers: Not more than £200

Paid by *parishioners for the interment of ashes in an existing grave: Not more than £50

Paid by *non-parishioners for the interment of ashes in an existing grave: Not more than £75

Where an allocation of an interment space incorporates first opening, parishes may wish to waive this fee.

In the event of the interment space being opened by a full-time sexton/gravedigger, all these charges will be payable directly to the parish.

Actual payment to the gravedigger is in addition to the above and is arranged locally.

**See footnote at end of regulations*

ALL GUIDELINES SHOULD BE READ IN CONJUNCTION WITH CHAPTER 12 OF THE CONSTITUTION OF THE CHURCH OF IRELAND AND WITH THE DIOCESAN REGULATIONS.

Footnote:

**A subscribing parishioner, either resident or accustomed, must subscribe to the funds of the parish through the parish financial system, either through regular giving or as a one-off donation. It must be contributed in such a manner that a receipt could be demanded for it. General Sunday cash collections are not recordable and therefore are not considered as qualifying subscriptions.*

GARDEN CHARGES Name of parish **OF REMEMBRANCE REGULATIONS AND**

PARISH OF

GARDEN OF REMEMBRANCE RULES AND FEES

- Interment of cremated remains may only take place with the permission of the officiating member of the clergy* and churchwardens.
- All committals should be conducted by a minister who is authorised to do so.

(Include only one of the three options below – as decided by the Select Vestry)

- Interments will be carried out sequentially and in rotation, with the precise place in the Garden of Remembrance at the discretion of the officiating member of the clergy and churchwardens. It is anticipated that individual spaces will be used and reused in perpetuity. No markings shall be made upon the Garden of Remembrance, which shall be allowed to resume its natural order in due course.

OR

Spaces will be allocated in order as the need arises at the discretion of the officiating member of the clergy and churchwardens. A record of the site shall be maintained for subsequent use of the same ground by request. No markings shall be made within the Garden of Remembrance, which shall be allowed to resume its natural order in due course.

OR

Spaces will be allocated in order as the need arises at the discretion of the officiating member of the clergy and churchwardens. The spaces will be covered using stones provided by the parish. When an interment has taken place, a plaque shall be affixed to the covering stone, indicating the name of the deceased and the date of interment.

- Information about interments is recorded in the Parochial Register of Burials.

(The following may also be applicable if so decided by the Select Vestry – include any or all of the following three options if required)

- A Book of Remembrance is maintained within the church building. Entries include the full names, date of death and date of interment of the deceased. At the request of the next-of-kin, the date of birth and a single verse of scripture may be added.
- Any floral tributes used at the funeral may be placed at e.g. memorial wall, paved area etc. and will be disposed of by the church officer after a suitable period or when withered. No artificial wreaths, any other memorials or adornments, inscriptions or flower containers may be placed in the Garden of Remembrance.
- After a cremation, ashes must not be scattered but should be buried directly in the soil or in a biodegradable container at a depth of not less than 30 cm.

GARDEN OF REMEMBRANCE

Burial of Cremated Remains

Actual payment to the gravedigger is in addition to the fees below and will be arranged locally.

*Subscribing parishioners

£50 to 100

*Non-parishioners and Non-Subscribing Parishioners

£100 to 200

Any casket for burial of cremated remains should be made of wood or other rapidly biodegradable material which will ultimately disintegrate.

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