

# ST JAMES CHURCH SMISBY PCC

## Burial Policy



### Introduction

Matters to do with churchyards and burials are governed by the law of the state and of the church. The ancient Common Law right of parishioners (i.e., those resident in the parish) and those who die in the parish to be buried in the parish churchyard (if it is still open) was more recently extended, by the Church of England (Miscellaneous Provisions) Measure 1976, s6 (1), to include those on the church's electoral roll (its membership register, in effect). The right of burial was itself extended, by the Church of England (Miscellaneous Provisions) Measure 1992, s3 (1), to include the interment of cremated remains. Measures passed by the Church of England General Synod are ratified by Parliament and are as much the law of the land as acts of Parliament.

In this Policy, references to Burial shall also include where relevant interment of cremated remains.

### Absolute Rights to Burial

Persons entitled as of right to Burial in the churchyard of St James' Church, Smisby, provided that it is open and vacant plots are available:

- Residents in the Ecclesiastical Parish of Smisby
- Any person whose name is on the electoral roll of the Parish at the time of their death
- Any person whose death occurs in the Parish, whoever that person is.
- Any person who has a faculty granting him or her a specifically reserved plot.

### Discretionary Rights to Burial

The Incumbent (or Priest-in-Charge) will decide whether burial can take place in the churchyard where the deceased does not meet any of the criteria of absolute rights.

Applications for consent to burial under discretionary rights should be made to the incumbent whose decision shall be final. In the absence of an incumbent during a vacancy, the Area Dean, and Churchwardens, acting as the Sequestrators, are responsible.

### Allocation of Burial Plots

Unless a burial plot has been reserved by faculty (the legal instrument in canon law that provides authority or permission), the selection of the particular plot is at the sole discretion of the incumbent or priest in charge. Regardless of burial by virtue of absolute or discretionary right there shall be no right in any particular burial ground or plot.

### Churchyard Regulations pertaining to Erection of Memorials and Gravestones

The Diocese of Derby has Regulations governing the erection of memorials and gravestones in churchyards throughout the Diocese and these therefore also apply to St. James' churchyard. A copy of the Regulations is appended to and forms a part of this Smisby St. James Burial Policy.

The erection or modification of Memorials and Gravestones requires permission from the Rector and such permission is subject to any proposed memorials or gravestones, including inscriptions being in compliance with the Regulations. Those considering erection or modification of a memorial or gravestone are strongly advised to seek advice on their proposals before making a formal application for permission as refusal for non-compliant proposals may lead to unnecessary distress or delay.

This policy and appended Regulations was reviewed and agreed at a meeting of the PCC on 2<sup>nd</sup> November 2022.

## DIOCESE OF DERBY

### General Regulations for the Erection of Memorials and Gravestones in Churchyards (1990)

The following Regulations are intended to ensure the conservation of the character of our churchyards and to encourage good design. Applications conforming with the Regulations may be authorised by the parish priest (or if there is no parish priest for the time being, by the Rural Dean); if an application does NOT comply, a faculty must be sought from the Chancellor.

#### Materials

Materials must harmonise with the natural local landscape and local stones are preferred. The following materials will generally be permitted:

- Natural stone: limestones (including Nabresina, Boticino and certain suitable Portuguese stones), sandstones, Stancliffe or Darley Dale stone, grey granite (no darker than Rustenburg grey) and slate.
- Woods: teak and oak
- In certain churchyards within the Peak Park sandstone only is permitted in sandstone areas and limestone only in limestone areas

The following materials are not permitted:

- Black, blue, or red granites and all granites which have had all their surfaces polished, any marble, synthetic stone, plastic materials, metal, and terra cotta.
- If the clergyman is in any doubt about the colour or the suitability of the stone for a particular churchyard, he should ask for a sample.

#### Finish

Polishing shall not be greater than that required to give a good smooth finish and must be confined to the face of the gravestone on which the inscription is to be cut. Mirror polishing is not permitted.

#### Dimensions

- Headstones (including base): No larger than 48" high, 36" wide and 6" thick (120 x 90 x 15 cms); no less than 30" high, 20" wide and 3" thick (75 x 50 x 7.5 cms), but in the case of slate 1" thick.
- Horizontal slabs: no larger than 84" x 35" (210 x 90 cms) including base flush with the ground extending not more than 5" (13 cms) round the stone.
- Vases: should not be more than 12" high, firmly sunk into the ground and not left free-standing on the grave.

## Design

Headstones may be placed on a base of the same material and fixed so that the base:

- does not project about the ground more than the thickness of the gravestone
- does not project more than 4" (10 cms) beyond the headstone.
- a receptacle for flowers may be incorporated in the base, in which case it should flush with the top of the base and might extend up to 8" (20 cms) in front of the headstone.

Carving may be allowed, but the design must be submitted with the application form.

The following are not permitted:

- Curbs, railings, plain or coloured chippings, containers of any kind (NB free-standing vases or glass in particular are dangerous) figure statuary, open books, birdbaths, pictorial etchings, memorials in the shape of a heart, cameos, portraiture, or photographs.
- If it is desired to erect a cross, other than a simple wooden cross, not more than 36" (92 cms) in height, it should be individually designed, and a Faculty is required for its erection. In the petition, reasons for requiring this supreme Christian symbol must be fully stated.

## Cremated Remains

Cremated remains may be interred in an existing grave, or otherwise in a part of the churchyard specifically reserved for the purpose under the authority of a Faculty.

Where an area of the churchyard is set aside by Faculty, then conditions will be laid down as to the manner in which the deceased may be commemorated. Usually, and preferably, this will be done by means of a Book of Remembrance kept in the church. Only if specific permission is given by the Faculty may properly bedded tablets of stone of a suitable shape laid flush with the ground be used, of a size not exceeding 21" x 21" (53 x 53 cms).

## Inscriptions

- Details The Christian name and surname of the deceased should be given, with age and date (or year) of death, or the years of birth and death.
- Epitaphs The object of epitaphs is "to identify the resting place of the deceased, to honour the dead, to comfort the living and to inform posterity". They should, therefore, be simple and relevant. Nicknames are not considered suitable and if a scripture text is used it is unnecessary to give the reference. Quotations may be taken from the bible; the prayer book, hymns, poetry, and prose are all suitable sources so long as the quotation is consistent with Christian belief.
- Lettering may be painted a shade lighter or darker than the natural colour of the stone. On some sandstones and granites, raised lettering standing out from the cutaway stone can be effective.

The following are not permitted:

- Gilded, silvered and leaded lettering, trademarks, or advertisements. The mason's name may be inscribed at the side or on the reverse of the headstone in unpainted and unleaded letters not larger than ¾" (15mm) in height.

- Additions may be made to an inscription at a later date following a subsequent interment in the same grave, but approval is required, and the wording must be consistent with the original inscription.

These regulations apply to the Diocese as a whole; they can be varied only by the Chancellor for particular churchyards or portions of churchyards.

These Regulations shall take effect subject to any Faculty or direction, whether particular or general, which has been or may be given by the Chancellor from time to time and they supersede ALL previous Regulations and shall come into effect on the 1st June 1990.