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Diocesan Advisory Committee
for the Care of Churches

Churchyards Maintenance and Safety

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1. The Use and Context of the Churchyard

- 1.1 Parishes are reminded that many of our Churchyards are ancient and are a significant part of our national Heritage: we all have a duty to ensure that they are preserved for the present community, and handed on to posterity in a fit state.
- 1.2 The English Churchyard, whether rural or urban, fulfils at least three different functions. It is a burial place, it constitutes a visual and historic setting for the Church, and it is often an ecological oasis.
- 1.3 By long tradition, the Churchyard has been the burial place of the mortal remains of parishioners. Whereas, in the past, this has been the principal function of the Churchyard, priorities are now changing.
- 1.4 The importance of the Churchyard as the visual and historic setting of the Church, usually the oldest and most distinguished building in the neighbourhood, is greater than is often appreciated. Standards of management should be at least as high as those that would be required by the local authority, who will sometimes have established a Conservation Area extending over it. The Churchyard is often ancient pasture in which grazing rights exist. Maintaining it as an important habitat for a wide variety of plants and animals should be a major consideration in the management of Churchyards.

2. The Legal Framework

- 2.1 The Parochial Church Council (PCC) has a general responsibility to keep the Churchyard 'in such an orderly and decent manner as becomes consecrated ground', to fence it, and to keep the paths clear and in proper order. This is a wide-ranging responsibility, and practical guidance on how to discharge it is provided in The Churchyard Handbook (see 13.1).
- 2.2 All proposals to introduce a new feature, to move an old one or carry out any work of alteration or repair in Anglican Churchyards must first have faculty approval under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (referred to below as the 1991 Measure) and the *Faculty Jurisdiction Rules 2000*.
- 2.3 The PCC must complete the faculty form for the work and send it, together with a specification for the work and other items listed on the form, to the DAC Secretary for the advice of the DAC and its recommendation to the Chancellor for the issue of a faculty. The DAC's advice may lead to modifications that ensure consistency in approach and the avoidance of unnecessary problems later.
- 2.4 The following may be undertaken by the PCC without a faculty: -
 - a) Purchase and maintenance of lawnmowers and other churchyard equipment.
 - b) Routine repair of paths including resurfacing in the same material and colour.
 - c) Repairs to and repainting in the same colour of a notice board.
 - d) Minor repairs to fences and gates (but not walls).
- 2.6 The Chancellor's regulations in respect of burial and erection of memorials are contained in a separate document which may be found on the DAC website for both dioceses: www.leicester.anglican.org/dac/advisory.htm

3. Maintaining a Balance

- 3.1 Any guidelines on the care and management of Churchyards should seek to maintain a balance between the various functions of the Churchyard.

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- 3.2 Consistency and precedent are important in maintaining credibility in the system of control.
- 3.3 At present, standards vary quite widely within the Churchyards of the Diocese. The publication of these Guidelines is intended to clarify the guideline and strengthen the hands of those dealing with proposals affecting Churchyards.

4. Ecological Considerations

- 4.1 Parishes are referred to the relevant chapters in the current *Churchyard Handbook* for a fuller explanation of ecological matters in avoiding damage and in increasing opportunities for conservation.
- 4.2 Disturbance of surface features within the Churchyard can have ecological significance. Where herb-rich turf is affected by the laying of gas or water mains, or the construction of building extensions, such turf should be removed, stored carefully, and replaced in situ, or relocated elsewhere in the Churchyard.
- 4.3 Disturbance of bat colonies is illegal and can lead to prosecution under the Wildlife and Countryside Act 1981. If there is any possibility of such disturbance from proposed work to trees or within the Churchyard, professional advice must by law always be sought by the parish from English Nature.

5. Archaeological Considerations

- 5.1 PCCs are reminded that Churchyards often contain items of archaeological importance, both above and below ground and are encouraged to contact the DAC Secretary who will in turn consult the DAC's Archaeological Adviser for further information on the archaeological significance of the Churchyard. Careful thought must be given to the possibility of such features being damaged or destroyed by proposed works, and steps must be taken to avoid this.
- 5.2 Any repair, maintenance or other works involving ground disturbance (such as repair to drains or tree planting) may have archaeological implications. Advice must always be sought from the DAC's Archaeological Adviser well in advance as to whether any special provision for archaeological work is needed.
- 5.3 In cases where the archaeological implications of a proposal cannot be adequately judged on the basis of existing information, an assessment, which may include the excavation of trial holes by a suitably qualified archaeologist, may be required by the DAC before commenting on the Faculty application and will require the Chancellor's authority by licence in certain circumstances. The costs of such an assessment must be met by the applicant.

6. Historical Considerations

- 6.1 Older memorials can be important examples of design, lettering, and sculpture in their own right. They may also be of interest for their symbolism, or for the information they contain about local or family history, or about individual craftsmen, or as examples of stone no longer quarried. Inscriptions decay and become illegible and part of the history of the parish can be lost with them. Monuments should be carefully preserved.
- 6.2 The 1991 Measure requires PCCs to keep a record of the location of burial and reserved grave spaces within the Churchyard.
- 6.3 PCCs are encouraged to survey and record their Churchyard and monuments both as a record of the past and an aid to future control and planning. The position, nature, material, inscription and designer (if known) of each monument should be carefully

recorded, photographed and marked onto a plan. The location of any ancient trees, especially yews, which are a part of our natural heritage, should also be marked. Records can be obtained from the Yew Tree Campaign Office as the Conservation Foundation. The original survey, or a copy of it, should be deposited with the County Record Office and a copy kept in the PCC records.

7. Maintenance of Churchyards

- 7.1 PCCs are encouraged to consider the implications for future maintenance in the layout and design of monuments. For this reason raised kerbs and other encumbrances to grass cutting are expressly banned in the Chancellor's Regulations for new memorials.
- 7.2 Monuments remain the property of those who erect them and their upkeep and repair is therefore a matter for individual families. However, continued maintenance of graves by relatives should not be relied upon, and PCCs may be authorized to look after important monuments.
- 7.3 Churchyards need to appear cared for, with a careful balance between naturalness and over-maintenance. The PCC should define clear-objectives in a management plan.

8. Boundaries, Gates and Paths

- 8.1 Boundary structures and paths are part of the overall landscape and setting of the Church and Churchyard. Hedges, stone and brick walling, iron railing or other fencing should be included in any management plan and maintained in good condition, using traditional methods and materials. Lych-gates were often erected as a commemoration and are thus of historic interest. These, together with other entrance gates, should be kept in good repair. Main pathways may be of gravel, old paving stones, brick, or asphalt and should be maintained in a safe condition. Where feasible, local traditions of path-making or paving should be retained. Access to that part of the Churchyard in current use can be by way of regularly mown pathways.

9. Alterations to Churchyards

- 9.1 The DAC should be consulted at an early stage where parishes are considering any schemes for alteration or removals within the Churchyard.
- 9.2 It is sometimes felt necessary to remove some gravestones to simplify Churchyard maintenance. The DAC should again be consulted at an early stage. As few monuments as possible should be removed, and those that are should be re-sited with great care. The stone and its original position should be recorded carefully prior to removal, which must be authorised by faculty. Stones with even partly legible inscriptions, distinguishable carving, or aesthetic features must be preserved. Kerbstones, which are not an essential part of a memorial, may be removed, after agreement by any surviving relatives.
- 9.3 Parishes are discouraged from contemplating any scheme for general clearance of gravestones, as this is likely to conflict with the continuation of the complex functions of the Churchyard.

10. Churchyard Extensions

- 10.1 Parishes contemplating the extension of a Churchyard should consider this very carefully before undertaking the additional responsibility which this entails. Provision for burial is now the responsibility of the local authority and wherever possible the authority should be allowed to make suitable arrangements using public funds. There may, however, sometimes be a value in retaining the traditional control.

11. Trees in Churchyards

- 11.1 Please see the separate statutory guidance issued by the Church Buildings Council available at www.leicester.anglican.org/dac/MinorWorks

12. Memorial Stones & Safety

- 12.1 In our increasingly litigious society, PCCs are becoming more and more concerned over what they need to do regarding the safety of graves and headstones. The PCC has a duty of care to ensure that visitors are reasonably safe for the purposes for which they are invited or permitted to be in the churchyard.
- 12.2 Maintenance of gravestones and tombs is primarily the responsibility of the deceased's family. However, the PCC is liable jointly with the family under the Occupiers Liability Act for any injury, unless the PCC has taken all reasonable steps to ensure safety.

In the case of closed Churchyards, if the family cannot be traced, it is the responsibility of the local authority that has taken over responsibility from the PCC to ensure that gravestones are safe.

- 12.3 The PCC should arrange for regular routine inspections at least annually (also recommended by Ecclesiastical Insurance) to be made of gravestones, tombs and monuments. It is suggested that each stone is physically handled to check for loose mountings, disintegrating mortar or undue spawling caused by age or frost, thus rendering the stonework unsafe.

Handling means that the gravestone must be sufficiently secure so that it does not topple over if someone held on to it to help themselves up if they had knelt down to read the inscription.

It is not expected that every gravestone should be perfectly upright. If it is leaning, but otherwise meets the above test, no further action is expected.

- 12.4 The use of a Topple Tester, extensively used by local authorities in municipal cemeteries, is not necessary unless a large number of stones are involved. In such circumstances, please contact the Secretary of the Diocesan Advisory Committee.
- 12.5 A **faculty** is required for the laying flat of gravestones or any other work including relocation. Faculty permission provides the PCC not only with authority to undertake the work but also with protection against any disaffected person intent on causing trouble. If **urgent** action is necessary to make a gravestone safe, arrangements should be made for the stone to be lifted carefully and laid on the ground and as firmly supported as possible, and for this action and any subsequent work on the stone to be authorized by seeking a confirmatory faculty.
- 12.6 The following details of any damaged or dangerous stones should be recorded, in conjunction with an annotated copy of the churchyard plan, in the PCC minutes: -

- (i) grave number and location
- (ii) size and type of stone
- (iii) details of damage
- (iv) degree of risk
- (v) action taken to address any immediate danger to the public
- (vi) agreed programme of action necessary to address longer-term problems
- (vii) dates and names of those undertaking the survey

12.7 In addition the PCC should record in its minutes for each gravestone requiring attention the following: -

- (i) action taken to notify relatives of the deceased by notice in church/village magazine and public notice displayed in a prominent position in the Churchyard and Church porch, and if the PCC considers necessary a public notice in the press.

It cannot be stressed too much that the PCC must be seen to take all reasonable steps to contact relatives of the deceased who own the memorial to ensure that, in the event of any subsequent complaint, the PCC has done its best to trace descendents.

- (ii) a photographic record for each memorial requiring attention both before and after making safe.

13. Churchyard Furniture

13.1 Increasingly, wooden seats are being provided in churchyards. A faculty is required for their introduction. Provision should be made for securing a bench to the ground to prevent its unauthorised removal. Inscriptions should be carved into the wood as metal plates can easily be removed. A faculty application should be accompanied by a photograph of the proposed seat, plan of the churchyard showing the proposed location, details of the fixing to the ground and a “mock-up” of the proposed inscription including the wording.

14. Relevant Publications

14.1 The Churchyard Handbook (ISBN 0 – 7151 – 7583 – 1) published by Church House Publishing, 31 Great Smith St. London SW1P 3BN, (tel 020 7897 1306) from which other appropriate reading materials can be found.