

## REGISTRY OF THE DIOCESE OF LICHFIELD

### NOTES FOR THE GUIDANCE OF PERSONS WISHING TO RESERVE GRAVE SPACE IN A CHURCHYARD

Anyone resident in a parish or on the electoral roll has the right of burial in the parish churchyard but the choice of site for the burial is at the discretion of the Incumbent unless a place has been reserved on the authority of legal permission (or **Faculty**) granted by the Chancellor of the Diocese, who has jurisdiction over all consecrated Church of England churchyards within the Diocese. A promise to "keep that spot", given by one Incumbent, has no legal value and is not binding on a successor.

The parish is only obliged to bury the dead of the parish. A person who is not a parishioner or whose name is not on the electoral roll may apply for the reservation of grave space but there would have to be good reasons offered before such a request would be considered.

Now that you have decided to make your request you have been supplied with an application form (or **Petition**) which will be put before the Chancellor.

You should begin by discussing your proposal with your Incumbent and ask him/her to help you with the statistical information about the number of spaces left in the churchyard concerned and the number of years it is likely to take to fill the churchyard; you will also need to ask whether the PCC of the parish have a particular policy about the reservation of grave spaces. Such policies are not common in this Diocese and they are capable of being overridden but usually the Chancellor would want to understand the reasons for the policy and the reasons why you think it should be overridden.

Assuming the PCC and incumbent agreed with your proposal, or if you have decided to seek permission even without their agreement, you should ask the incumbent to give you an accurate plan of the entire churchyard (no larger than A3 please) marking clearly in red the exact space that you and your priest have agreed upon. Accuracy is essential because this plan will eventually be attached to the faculty as a permanent record of what has been arranged.

**Fees.** Please read the Guidance note on Faculty fees. The initial Registry fee for the administration of the Faculty procedure is £206 plus VAT (the total is £247.20). The Chancellor has waived his fee and instead requires the applicant to pay a fee of £200 directly to the PCC (this is a contribution towards the upkeep of the churchyard).

**Marker:** The Chancellor will make it a condition of the faculty that the successful applicant will supply the parish with a small marker (Monumental Masons can usually provide a small stone tablet) which will be placed on the reserved space as a permanent indication.

When you have completed the Petition form, please send it, together with a copy of the PCC Resolution, **three** copies of the churchyard plan and your cheque for £247.20 payable to FBC Manby Bowdler LLP to The Registry Assistant at the Diocesan Registry, Routh House, Hall Court, Hall Park Way, Telford, Shropshire, TF3 4NJ, Tel. 01952 292129.

Please note in particular that if the Chancellor issues a formal Judgment in relation to your Petition, then, because the Consistory Court is a public, civil, Court, the Judgment will be published on the Diocesan web site and that of the Ecclesiastical Law Association, and may well be published in law reports, and other places. Members of the public including the media have access to the Judgments of the Consistory Court, and are free to publish details which appear in the Judgment. The purpose of publication of Judgments is to explain to the public how decisions have been reached in particular

cases and so as to assist the public in understanding the legal issues at stake; it also ensures transparency.

*Correct as of 14<sup>th</sup> January 2019. These notes are issued by the Registry of the Diocese of Lichfield and may be updated from time to time.*