

# Netherexe Parishes 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. This policy is based upon the ecclesiastical boundaries, not civil parish boundaries (guidance on boundaries available from the Rector or church wardens).

## Absolute Rights to Burial

Persons entitled as of right to Burial in the churchyard of one of the Netherexe Parish churches provided that it is open and vacant plots are available:

- Residents in the Ecclesiastical Parish
- Any person whose name is on the church 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

There is a limited discretion allowed to the incumbent when the deceased does not meet any of the criteria of absolute rights.

In exercising such discretion, the incumbent must have regard to the space available in the churchyard, bearing in mind the prior claim of those with an absolute legal right to be buried there, and this Burial Policy.

Discretion may be permitted where a former long term parishioner has moved from the parish towards the end of their life; a person customarily regarded as a parishioner who has close relatives buried in the Churchyard, or have a strong family connection, spouse or child already buried in the Churchyard.

Applications for consent to burial under discretionary rights should be made to the incumbent whose decision shall be final. In some parishes consultation may involve a wider group including churchwardens, members of the PCC, or members of the parish council. (For details of local parish arrangement please see the appendices)

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## Allocation of Burial Plots

Consecrated ground may not be bought or sold as a matter of law. Fees must be paid for burial or internment. These fees are fixed each year by the General Synod of the Church of England.

Unless a burial plot has been reserved, where possible, 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. 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 Exeter has Regulations governing the erection of memorials and gravestones in churchyards throughout the Diocese and these therefore also apply to the Netherexe Parishes churchyards. A copy of the Regulations is appended to and forms a part of this Burial Policy or can be accessed at <http://exeter.anglican.org/resources/church-buildings/churchyards/> .

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.

All Netherexe Parishes churchyards remain the responsibility of each of the individual PCC who reserve the right to take such steps as are necessary to maintain it, in accordance with health and safety requirements. This includes the removal of a headstone or memorial if not properly maintained.

In line with Diocese of Exeter churchyard regulations (2013),

- bulbs may be planted in the soil adjacent to the headstone
- cut flowers may be placed in a receptacle for flowers; otherwise they may be placed in a removeable container which must be completely sunk into the ground, close to the headstone. Withered flowers must be removed.
- No artificial flowers are allowed except for Remembrance Day poppies and traditional Christmas wreaths, which must be removed after a period of not more than 2 months.
- the surface of the churchyard shall be kept, as far as possible, level and free of grave mounds. The PCC may, at its discretion, level any mound 12 months or more after latest internment in the grave.

This policy and appended regulations were reviewed and agreed by.....

on .....

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## Appendix 1 LOCAL VARIATIONS

### **Brampford Speke**

No new faculties to reserve grave spaces will be considered due to the reduced number of plots available.

### **Cadbury**

No local variations

### **Huxham**

No local variations

### **Netherexe**

No local variations

### **Newton St Cyres**

No new faculties to reserve grave spaces will be considered due to the reduced number of plots available.

### **Rewe**

Some areas of the churchyard are not available for burial plots. Please discuss with Churchwarden.

### **Stoke Canon**

Burials may only be requested at single depth, due to the high water table.

### **Thorverton**

No new faculties to reserve grave spaces will be considered due to the reduced number of plots available.

### **Upton Pyne**

No local variations

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## Appendix 2 DIOCESE OF EXETER CHURCHYARD REGULATIONS

Churchyard Regulations (2013) encompassing the Erection of Memorials and Gravestones in Churchyards

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

All memorials should be natural stone or British hardwood from a sustainable source. Only stones traditionally used in the local buildings or stones closely similar to them in colour, texture and durability are permitted. Permitted finishes are rustic, fine rubbed (eggshell/honed), but not polished i.e. highly polished so as to reflect images.

The following are not permitted:

- Black or blue granites or grey granites darker than Rustenburg grey
- White marble
- Synthetic stone
- Plastic

“Red” granite may be permissible where the church and neighbouring buildings are built of stone of a similar colour.

In the case of infant burials, if requested, white marble is permissible subject to the stated dimensions in this policy.

### Dimensions

Upright Headstones

- No more than 48” (1228mm) high, measured from the surface of the ground
- No more than 36” (915mm) wide
- No more than 6” (150mm) thick. Slate memorials must be no less than 1.5” (38mm) thick.

Infant burials, the headstone should be:

- No more than 15” (375mm) wide x 33” (825mm) high, measured from the surface of the ground
- No less than 12” (300mm) wide x 19” (475mm) high, measured from the surface of the ground.

Horizontal ledgers or flat stones

Either flush with the turf or raised not more than 9” (225mm) above a base, which must extend no less than 3” (75mm) all around, and itself be flush with the turf or below turf level.

Must not be larger than 84” (2100mm) by 36” (900mm) overall including the base.

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## **Base**

The base must be of the same stone, which is to be an integral part of the design and does not project more than 8" (200mm) in front of the headstone.

## **Design**

Headstones need not be restricted to a rectangular shape, and curved tops are preferable to straight-edged ones. Memorials in the shape of a heart or book are not permitted. Photographs, porcelain portraits, kerbs, railings, chains, chippings or glass shades are not permitted.

## **Epitaphs/engravings**

Inscriptions must be simple, reverent, appropriate and of Christian significance. They must be incised, and lettering may be in black, white or silver paint or gold leaf (not gold paint). Plastic and lead inlaid lettering is not permitted. They must be on the front face of the headstone although an inscription may be permitted by the Archdeacon on the back. Subsequent additions to an inscription must be approved separately. Simple pictorial engravings using NO colour are permitted, provided the Rector approves the subject as appropriate and suitable.

## **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.