

PRACTICE DIRECTION 2012/01
Testing of Memorials in Churchyards and Cemeteries

Introduction

1. The Chancellor has overall responsibility for consecrated churchyards and cemeteries, which he exercises through the Faculty Jurisdiction Rules 2000 to ensure compliance with the law.
2. Where Parochial Church Councils are responsible for the maintenance of churchyards, any works other than routine maintenance are required to be carried out with the authority of a Faculty.
3. Where Parish and District Councils are responsible for the maintenance of cemeteries, and also for churchyards which have been closed by Order in Council, the Chancellor does not usually require a faculty for the day-to-day management of the consecrated parts of cemeteries owned, or under the management, of Parish and District Councils.
4. The Chancellor considers that different considerations arise in both churchyards and cemeteries where there may be unsafe memorials. He has decided that it is desirable that there should be a consistency of approach in both churchyards and cemeteries to replace earlier guidance.
5. In January 2009, the Ministry of Justice published "*Managing the Safety of Burial Ground Memorials - Practical Advice for Dealing with Unstable Memorials*" ("the Ministry of Justice Guidelines").
6. The Chancellor considers that:
 - a. Where Parish Councils, District Councils and Parochial Church Councils confirm in writing that they agree to test memorials, in accordance with Ministry of Justice Guidelines, and subject to any additional requirement contained in these directions, he will not require such authorities to apply for a faculty before the testing of memorials and taking remedial action.
 - b. Where Parish Councils, District Councils and Parochial Church Councils are unable to confirm in writing their agreement to paragraph 6(a) above, he will require any Local Authority or Parochial Church Council, who intends to test headstones in a churchyard or other consecrated burial ground, to apply for a Faculty, in order to confirm that the method adopted for dealing with unstable memorials is acceptable.

Directions

1. Any Parochial Church Council, Parish Council or District Council, which is willing to manage the safety of memorials, within churchyards and other consecrated burial grounds, without an application for a Faculty, is required to sign a copy of these directions and deposit it in the Diocesan Registry.
2. On receipt of a signed copy of these directions in the Diocesan Registry, any Parochial Church Council, Parish Council or District Council is permitted to undertake the testing and making safe of memorials in churchyards and other consecrated burial grounds without the need to apply for a Faculty to authorise the work.
3. The testing and making safe of memorials shall be carried out in accordance with the Ministry of Justice Guidelines and subject to any additional requirement contained in these directions.

4. Before testing, each memorial shall be photographed and recorded. The records may be kept on a computer. A small microchip may be placed at the base of the memorial to aid with computerised recording.
5. Safety notices shall be placed on all memorials found to be unsafe.
6. Reasonable enquiries must be made to find any known surviving relatives of a person commemorated by an unsafe memorial. A record shall be kept of all enquiries made and their results. Written notice of an unsafe memorial shall be given to all known surviving relatives, in order to give them an opportunity of making the memorial safe.
7. Whilst enquiries are being made, the preferred method of making a memorial safe shall, in accordance with the Ministry of Justice Guidelines, be by laying the memorial flat. In exceptional cases memorials may be made safe temporarily by staking, where appropriate, but staking should not be the normal procedure adopted.
8. Relatives who are identified and contacted shall be given a reasonable time in which to make the memorial safe permanently.
7. If relatives have not made the memorial safe during the time provided, the local authority or parochial church council shall take appropriate steps to make the memorial safe. However, if this is impracticable, the memorial may be placed flat on the ground, after first ensuring that the ground is level and soft and that any surface of the memorial which will not touch the ground is supported (to avoid fracturing of the stone).
8. A record shall be kept of the method of making safe each memorial and by whom the work was undertaken.
9. These directions do not authorise the removal of a memorial from a grave, which must be the subject of an application for a Faculty or, in case of emergency, the written approval of the Chancellor of the Diocese.
10. If any objection is made by a relative to the method of testing or making safe of a memorial, the appropriate authority shall notify the Diocesan Registrar, and no further work shall be carried out on the relevant memorial until the Chancellor has given written directions.

David Pittaway, QC
Chancellor of the Diocese of Peterborough

22 March 2012

Full name of Council: _____

Address: _____

Telephone: _____

Churchyard or Burial Ground(s): _____

The above-named Council hereby undertakes to manage the testing and making safe of memorials in accordance with the above directions.

Signed on behalf of the Council: _____
(Two signatories)

Date: _____