THE PCC OF ST JAMES'S CHURCH SMISBY

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 Vicar 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 were reviewed and agreed at a meeting of the PCC on 9th September 2026.

The policy will be reviewed at the first meeting of the PCC in 2027.

In the Consistory Court of the Diocese of Derby
Additional Matters Order No 1 of 2026
Churchyard Memorial Regulations

1. This Additional Matters Order is made on 2 February 2026, pursuant to the power contained in section 78 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (as amended).
2. The advice of the Diocesan Advisory Committee has been sought prior to the making of this Order as required under section 78(4) of the Measure.
3. The matters specified in Schedule 1 to this Order may be undertaken without a faculty provided the procedure specified in Schedule 2 to this Order is followed.
4. Should any question arise as to whether a particular proposal constitutes a matter specified in Schedule 1, it is to be referred to the Chancellor by the minister for determination.
5. Application may be made to the archdeacon by the minister in relation to a particular proposed memorial for directions as to matters which are not specified in Schedule 1, but which are of a similar or comparable nature. The archdeacon may direct that such matters be treated as if they were so specified.
6. This Order applies to the whole of the Diocese, save for any churchyard or burial ground expressly excluded by direction of the Chancellor. It does not extend to the consecrated parts of municipal cemeteries operated by local authorities.
7. Particular Churchyard Regulations previously authorised by faculty in respect of individual churchyards or burial grounds will continue in force where applicable until such time as the Chancellor directs otherwise.
8. For the purposes of this order, the term 'minister' shall be taken to mean the incumbent of the benefice in which the burial ground is situated. If there is no incumbent, or the benefice is for whatever reason vacant, then the person acting as priest in charge of the parish or the curate licensed to the charge of the parish shall be treated as the minister. If there is no priest or curate of that description (or if any of the aforesaid persons is unable or unwilling to act), the area dean of the deanery in which the parish is situated shall be deemed to be the minister. In case of doubt, the matter may be referred to the chancellor whose direction as to who shall be treated as minister for the purposes of this Order shall be conclusive.
9. This order shall come into force on Ash Wednesday, 18 February, 2026.
10. A copy of this Order is to be filed in the diocesan registry in accordance with section 78(5) of the Measure.

Schedule 1

Schedule 1. Matters Not Requiring a Faculty
Part 1. General Provisions
1.1 The matters which may be undertaken without a faculty are:
(a) the introduction of a new memorial that complies with the specifications in Part 2 of this Schedule; and
(b) the repair or alteration of an existing memorial as described in Part 3,
provided that they have been approved in accordance with the procedure set out in Schedule 2.

1.2 In this Schedule,

"base" means the component supporting a memorial on its foundation;

"cremated remains tablet" means a rectangular stone or slate tablet placed above the cremated remains of the person commemorated, the upper face of which is flush with the surrounding ground;

"foundation" means the element that connects a memorial to the ground and transfers the load from the memorial to the ground; the top surface of the foundation being flush with the surrounding ground or below ground level;

"grave" means a place of burial below ground level;

"headstone" means a "lawn memorial" or a "monolith memorial" erected at the head of a grave;

"incised" in relation to lettering, motifs, emblems or other images, includes being cut either by hand or by machine;

"inscription plate" means a stone forming part of a memorial, into which is incised lettering relating to the person whose body is buried there or whose death is being commemorated;

"lawn memorial" means an independent vertical inscription plate attached to a horizontal base which is fixed to a foundation;

"memorial' means a freestanding object installed in a churchyard in memory of the deceased;

"monolith memorial" means an independent vertical inscription plate set in a concrete foundation which is set directly into the ground;

"relief" in relation to lettering, motifs, emblems or other images, refers to such being carved either by hand or by machine

"the British Standard" means British Standard BS 8415:2018 *Memorials within burial grounds and memorial sites – Specification*1, or any similar standard that may replace BS 8415:2018;

"wooden cross memorial" means a memorial in the form of a wooden cross erected at the head of a grave, into which is incised the name of the person commemorated and the date on which that person died.

Part 2. The Introduction of a New Memorial

Basic principle

1.3 Any new memorial is erected so as to comply with the details specified in the British Standard, so far as relevant.

The form of a new memorial

1.4 The memorial is:

(a) in the form of a headstone;

(b) in the form of a wooden cross memorial;

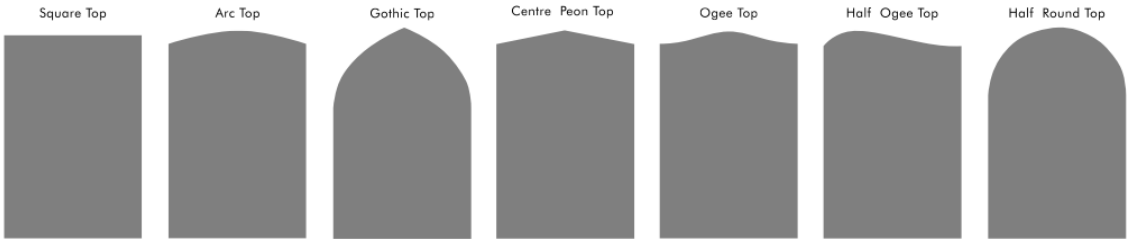
(c) in the form of a lawn memorial erected by or on behalf of the Commonwealth War Graves Commission;

(d) a cremated remains tablet;

(e) a ledger stone.

1.5 In the case of a headstone, the shape of the inscription plate is one of those in Diagram 1, or one similar to one of the shapes in that diagram.

Diagram 1



1.6 In the case of a wooden cross memorial, adequate provision is made to prevent premature degradation below ground level.

1.7 Paragraph 1.4(d) does not apply where cremated remains are interred in a grave that is already marked by a headstone or a wooden cross memorial.

1.8 The memorial does not include attached plaques, or kerbs, railings, chippings, statues, or other objects.

1 Copies of this may be inspected at major public libraries, or from some memorial masons.

1.9 The memorial is located so that no part of it is closer than 1500mm to the wall of the church.

The dimensions of the memorial

1.10 In the case of a headstone:

(a) the height of the memorial is between 450mm and 1220mm;

(b) the width of the inscription plate is between 375mm and 915mm;

(c) the thickness of the inscription plate fixed to a base is between 75mm and 105mm;

(d) the thickness of a slate monolith is between 38mm and 105mm;

(e) the base, if any, is not larger than 915mm in width, 460mm in depth (front to back), and 155mm thick.

1.11 In the case of a wooden cross memorial:

(a) the height of the cross is between 750mm and 1220mm;

(b) the width of the cross is between 500mm and 815mm;

(c) the thickness of the timber is between 40mm and 55mm; and

(d) the section of the memorial below the ground is at least one third of the height of the section above the ground.

1.12 In the case of a cremated remains tablet:

(a) the size and shape are similar to those of others in the immediate vicinity; and

(b) in any case the longest dimension is not more than 450mm.

1.13 In the case of a memorial in the form described in paragraph 1.4(e):

(a) the size and shape are similar to those of others in the immediate vicinity, and

(b) the stone is flush with the surrounding ground; and

(c) the width of the memorial is not more than 900mm; and

(d) the length of the memorial is not more than 2100mm.

1.14 The height of a memorial is to be measured from ground level; and in the case of sloping ground or ground that has been re-contoured to accommodate the burial, "ground level" is the level of the ground immediately adjacent to the centre point of the rear of the base once the interment has been completed.

The materials and colour of the memorial

1.15 In the case of a headstone or a cremated remains tablet, it is made of slate or one of the following types of natural stone:

(a) sandstone;

(b) limestone; or

(c) granite

In certain churchyards within the Peak District National Park, sandstone only is permitted in sandstone areas and limestone only in limestone areas.

1.16 The colour of the slate or stone is not such as to render the memorial discordant in the context of the church and churchyard.

1.17 In the case of a headstone, the principal surface of the inscription plate is not polished or reflective.

1.18 In the case of a cremated remains tablet, the surface is not polished or reflective.

The inscription on the memorial

1.19 Any inscription is:

(a) Simple, reverent and factually accurate;

(b) not considered by the minister to be likely to be offensive or controversial for any reason; and

(c) not inconsistent with the doctrine of the Church of England.

1.20 The inscription includes:

(a) the name of the person being commemorated (which may be or may include the name by which that person was generally known); and

(b) the date or year in which that person died; and

(c) either the date or year in which that person was born, or the age of that person at death.

1.21 The inscription may include if desired, a scriptural text, or extract or quotation from the authorised liturgy of the Church of England, a hymn, a poem or other suitable phrase. If a scriptural text is used, it is not necessary to give the reference.

1.22 Where any text in the inscription is in a language other than English, a translation has been supplied to the minister for retention in the parish records

1.23 Any lettering is

(a) uncoloured; or

(b) coloured in one or two colours, which does not render the memorial discordant in the context of the church and churchyard.

1.23 Any lettering on:

(a) the inscription plate of a headstone;

(b) a wooden cross; or

(c) a cremated remains tablet is either incised into the memorial or in relief and not more than 100mm in height.

1.24 In the case of a headstone or a cremated remains tablet, any motif, emblem or other image forming part of the design of the memorial:

(a) is of a character commonly found in churchyard memorials and is relevant to the life of the person commemorated;

(b) is a fitting complement to the wording forming the rest of the design;

(c) is not considered by the minister to be likely to be offensive or controversial for any reason;

(d) does not exceed 33% of the face of the headstone; or, if there is more than one such, no more than 33% in total;
(e) is either incised into or in relief of the stone ;
(f) is uncoloured, or coloured in such a manner that the memorial is not discordant in the context of the church and churchyard in a single colour;
(g) is not a copyrighted design or, if it is, permission has been obtained for its use, and
(h) is not inconsistent with the doctrine of the Church of England.

1.25 In the case of a headstone, there is no trademark or advertisement except for a reference to the mason (in lettering not higher than 15mm on the side or the reverse of the memorial).
1.26 The memorial does not contain a QR code, or any other device intended to enable direct communication with an electronic resource.
1.27 The memorial does not contain photographs, etched photographs or ceramic portraits/cameos. In particular, there must be no image of the deceased.

Part 3. The Repair or Alteration of an Existing Memorial

1.28 Any existing memorial being repaired or altered has been lawfully introduced into the churchyard, or has been in place for at least six years, but not more than 50 years.
1.29 If a memorial is removed and re-erected in the course of being repaired or altered, it is reerected so as to comply with the details specified in the British Standard.
1.30 Any alteration of or addition to the inscription on a memorial, which must relate to a subsequent interment in the same grave, is in the same style and finish as the original inscription; and the inscription on the memorial as altered complies with the paragraphs 1.19 to 1.27 above.

Schedule 2. Approval Procedure

The procedure to be followed prior to the undertaking of any matter contained in Schedule 1 is as follows.

(a) An application in the form annexed to this Schedule is to be sent to the minister (as defined in paragraph 10 of the order);
(b) Such form is to be duly signed by the applicant(s) and memorial mason;
(c) If the minister or other authorised person gives permission, this is to be endorsed in writing in the relevant section of the form, whereupon the matter may proceed;
(d) If an applicant petitions for a faculty to admit the said memorial, then for that. purpose, under rule 20.6 of the Faculty Jurisdiction Rules 2015 (as amended), it is directed that the form annexed to Schedule 2 shall be treated as the petition.

Important Warning

Any memorial erected otherwise that in accordance with this procedure, or with the authority of a faculty granted by the Chancellor, may lead to enforcement proceedings in which the Consistory Court may order removal of the memorial at the expense of the person or persons responsible, who may also be required to pay the court costs of such proceedings.