

1. Introduction

1.1 Our churchyards are an important and valued part of our church life and the heritage of our community. They remain open to the public at all times, and continue to be used and valued. We work with the Diocese of Oxford, the families of those interred in our churchyards and the local communities to ensure they are maintained in an environmentally friendly manner and will remain a resource for future generations.

1.2 This policy defines the right to burial within, and the management of the churchyards in this benefice.

2. The Benefice of Witney contains eight churchyards:

2.1 St Mary the Virgin church – Church Green, Witney, Oxfordshire, OX28 4AW
(Classification: closed for burials but open to receive ashes, maintained by Witney Town Council)

The only permitted memorial for cremated remains is a small wooden cross. A Book of Remembrance is held in the church and a page can be added in agreement with the Incumbent. ashes interment plot.

See appendix for permitted dimensions of cross

2.2 Holy Trinity church – Woodgreen, Witney, Oxfordshire, OX28 1DN
(Classification: closed for burials but open to receive ashes, maintained by Witney Town Council)

No marking of the site of cremated remains but the name and date can be added to the stone commemorating interments. Cremated remains may be interred in an existing grave at the Incumbent's discretion.

2.3 St John the Evangelist church – Middletown, Hailey, Oxfordshire, OX29 UD
(Classification: open for burials and receiving ashes – maintained by the District Church Council with a grant from Hailey Parish Council)

Cremated remains may be interred in the area set aside for cremated remains and marked by a ledger stone in agreement with the Incumbent. Cremated remains may be interred in an existing grave and marked with a ledger stone at the Incumbent's discretion.

2.4 Hailey Civic burial, adjacent to St John the Evangelist churchyard
(Classification: open for burials and receiving ashes, maintained by Hailey Parish Council)

2.5 Hailey old churchyard
(Classification: closed, maintained by Hailey Parish Council)

2.6 St Peter's Churchyard, Farm Lane, Crawley OX29 9TL
(Classification: closed, maintained by Crawley Parish Council)

2.7 St John the Baptist church – Main Road, Curbridge, Oxfordshire, OX28 7NW
(Classification: open, maintained by the Parish of Witney)
Open for burials and receiving ashes, maintained by the Parochial Church Council with a grant from the Curbridge and Lew Parish Council

2.8 St Kenelm church - Minster Lovell, Oxfordshire, OX29 0RR

(Classification: Open)

Cremated remains may be interred in the area set aside for cremated remains and can be marked with a ledger stone or a small wooden cross. Cremated remains may be interred in an existing grave and can be marked with a ledger stone. All are at the Incumbent's discretion.

3. Burial in the churchyard

3.1 The Right to be buried

3.1.1 The right to be buried in one of the benefice churchyards belongs to: -

- those who normally reside within the benefice of Witney; or
- those who reside outside the benefice but are on one of the published parish electoral rolls; or
- those who die within the parish boundaries.

3.1.2 Where there is a long-standing link with the benefice, or other valid reason, consideration will be given to a request for burial of a person who does not conform to the above categories.

3.1.3 As a general rule, those who reside in one of the villages of the benefice of Witney can only request for burial in their village of residence. Others, who do not belong to either category as mentioned above have no right to be buried in the benefice churchyards.

3.1.4 The interment of human remains is final and the granting of a faculty for exhumation is given only in exceptional circumstances.

3.1.5 There is no right of burial in any particular specified part of a churchyard, unless the grave space has been reserved by faculty (Refer to Section 3.2 Reservation of grave spaces).

3.1.6 In exceptional circumstances, only based on strong pastoral grounds, and, only after proper consultation with the Incumbent and the responsible Parochial Church Council, is it possible to inter cremated remains in an existing grave for those who have no right of burial in the churchyards of the benefice churches.

3.1.7 The churchwardens and incumbent may allow interment of cremated remains in an existing grave only when it concerns family members within the first line of kinship. The first line of kinship as mentioned here is to be understood from parents to children. This is in accordance with the directions given by the Chancellor of the Oxford Diocese to prevent graves from becoming family graves in perpetuity. The cremated remains in question must be in a wooden or biodegradable casket, which bears a name-plate and date of death of the deceased.

3.2 Reservation of grave spaces

3.2.1 Grave and interred ashes spaces may only be reserved by a faculty. The cost of reservation is set out annually by the General Synod. Once the faculty has been approved, the relevant details must be recorded in the "Reservation of grave spaces" logbook found in the benefice office.

3.2.2 The maximum period of reservation permitted is usually 25 years, although this may be extended in appropriate circumstances. This period is capable of extension if, by its expiry, the right has not been exercised.

3.2.3 If the churchwardens are not able to certify that there is sufficient space to meet foreseeable need for burial space for the next five years, then the application must be referred to the responsible Parochial Church Council for consideration before the petition is lodged. In a suitable case, the Chancellor of the Oxford Diocese may still grant the faculty to reserve the space, but will attach appropriate weight to the appropriate Parochial Church Council's views if granting the faculty is likely to cause difficulty in the foreseeable future.

3.2.4 In these cases it is not necessary for the matter to be referred to the Diocesan Advisory Committee, and application should be made directly to the Registrar, who will supply the special form of petition that is required, and details of fees payable.

3.2.5 Save in exceptional circumstances, it will be a condition of every faculty for the reservation of a grave space/interred ashes that the petitioner pay the appropriate fee as laid down by the Oxford Diocese. This payment will be made directly to the Oxford Diocese on submission of the faculty application. On granting the faculty, the Oxford Diocese will then make a payment to the appropriate Parochial Church Council within the benefice of Witney as a contribution towards the general cost of maintaining the church and churchyard. A letter confirming that the petitioner is prepared to make this payment should accompany the petition when it is submitted.

3.2.6. The plan accompanying the form should be properly surveyed if possible, showing the area of the churchyard concerned and precise measurements relating to the position of the grave/interred ashes space to be reserved from at least two fixed points. The description of the plot in the schedule on the first page of the application should contain reference to each measurement on the plan. This is necessary to avoid any confusion that might arise in the future.

3.3 Legal ownership and costs of graves.

3.3.1 Consecrated ground may not be purchased or sold as a matter of law. The authority over churchyards is vested in the incumbent for the use by the parishioners, or, during a vacancy vested in the Diocesan Bishop.

3.3.2. The exercise of the right of burial, interment of cremated remains, or, in the reservation of a grave space by faculty, and the erection of a memorial of any kind do not confer any rights of ownership upon the relatives of the deceased person or upon any other persons in respect of the churchyard itself.

3.3.3. Fees (please refer to section 8 of these regulations) must be paid for burial in a churchyard. These fees are fixed each year by the General Synod of the Church of England. The fee is not a purchase price for the burial plot and the family of the deceased do not become owners of or acquire exclusive rights to the plot.

3.4 Location of grave

3.4.1. The location, unless previously reserved, of any burial plot is decided by the incumbent.

3.5 Interment of cremated remains

3.5.1 Interment in a churchyard or other consecrated ground open for burials

3.5.1.1. The same requirements as for the “Right to be Buried” (*Refer 4.1*)

3.5.1.2. The location of an interment is decided by the incumbent as for burials. However, if it is desired that a particular part of the churchyard or other consecrated ground be reserved exclusively then a faculty must be sought (*Refer to “Reservation of grave spaces” at 4.2*). If the faculty is for St Mary’s it must state that a Book of Remembrance or a Requiem Book is already in use in the church (St Mary the Virgin only).

3.5.1.3. The cremated remains must be in a wooden or biodegradable casket, which bears a name-plate and date of death of the deceased. Caskets may be interred at “double depth” to allow room for up to two such interments in the same plot.

3.5.1.4. If there is an existing family grave in the churchyard, cremated remains may be interred therein (subject to 3.5.2).

3.5.1.5 Ashes interments that are not presided over by a minister require a churchwarden or representative to be present. The undertaker performing the ceremony must sign the Burials Register of Graves. Registers are kept in individual churches.

3.5.1.6 A cremation certificate is required to be presented to the minister or churchwarden present at the interment.

3.5.1.7. Burial of ashes in an existing grave will be permitted on a case-by-case basis, depending on the room in the grave and the connection between the deceased and the person(s) already buried in the grave. Cremated remains should either be reverently poured into a specially prepared hole in the ground between 18 and 24 inches deep, strewn onto bare earth (and the ashes then covered with earth), or buried in a wooden casket. The scattering of cremated remains onto the surface of the earth is not permitted.

3.5.2. Interment in ground no longer open for burials

3.5.2.1. This includes but is not limited to, those closed churchyards, which by Order in Council, are maintained at the expense of the local authority.

3.5.2.2. The interment of cremated remains in a churchyard that has been closed by an Order of Council is only permissible where the Order allows for such an event, unless it is a pre-existent family grave. It is important to register that the faculty to close an existing churchyard must make reference to this point.

3.5.2.3. In the case of a churchyard maintained at the expense of the local authority, in addition to the faculty, the consent of the local authority to such an interment should first be obtained, and no monument may be erected to mark the place of burial without the like consent from the incumbent and the local authority.

3.5.3 Interment within or below a church

3.5.3.1. Interment within or below the church itself requires a separate faculty in each instance. Save in exceptional circumstance no such faculty will be granted.

4. Tombstones and Memorials

4.1 The strict right of a parishioner is confined to that of interment or burial. There is, therefore, no automatic right to mark a burial or interment of cremated remains with a memorial. However, the Benefice of Witney is happy to encourage the practice of erecting a suitable permanent memorial provided it conforms to the Oxford Diocesan regulations and the benefice of Witney regulations.

4.2 The Chancellor has delegated this authority to the incumbent, who will normally give permission for the placement of a simple memorial made of natural stone or hardwood which must be compatible with the Christian religion and within the Benefice of Witney and Oxford Diocesan guidelines.

4.3 If there is no incumbent because of a vacancy, applications must be referred to the Area Dean. No other person has the authority to grant that permission.

5. Procedures for the introduction of memorials (including additional inscriptions) into a Benefice of Witney churchyard.

Applications

5.1 *Application to Minister for Introduction of Monument or Ledger Stone in Churchyard* forms are available on the Diocese of Oxford website. The written permission of the incumbent must be obtained for the introduction of any memorial, or for any proposed changes to an existing memorial e.g. additional inscription.

5.2 Other types of memorial, including grave markers, ledgers, sculptures and stone crosses can only be authorised by the Chancellor of the Oxford Diocese under a faculty.

5.3 Every application to erect a memorial, or place anything whatsoever (other than real flowers), or to do any works, in the churchyard must be made in writing and in duplicate to the incumbent, together with a full description of the proposed work. An accurate drawing of any proposed motif should be included.

5.4 To permit the ground to settle, a minimum period of six months, and ideally twelve months should elapse between the interment of the person to be commemorated and the approval of a memorial by the incumbent. However, in the case of interment of ashes, application for a memorial tablet need not be delayed. Similarly, the erection of a wooden cross (St Mary the Virgin church only) need not be delayed.

6. Fees

The Church of England Parochial Fees, together with the additional fees as set by the appropriate PCC, are posted in the church porch of all the churches in the benefice.

7. Further information

7.1 The Diocese of Oxford has produced a leaflet "When someone you love has died" which contains helpful thoughts. It is available at

<https://www.oxford.anglican.org/churchyard-regulations>

