

Burial Ground Guide

Maintenance of graves and memorials. It is a matter of discretion for burial authorities whether they maintain graves and memorials, or how (although the cemetery must be kept in good order). The primary responsibility of a memorial is with the family. LACO gives burial authorities the right to level the surface of any grave (to ease maintenance) and to place an identification mark, if required.

Maintenance of cemeteries will often be made easier if tombstones and memorials are removed, and LACO provides for this, but where such removal is contemplated there are strict procedures which need to be followed, involving the giving of appropriate notice of intention to remove so that the owners or heirs may make alternative arrangements if they wish. Whether the removal of memorials is always an appropriate step to take (having regard to the burial ground as cultural and historical amenity – see paragraphs 8.1 et seq below) is another matter. During the period of the grant of exclusive right of burial a burial authority is only empowered to prevent a memorial from becoming or continuing to be a hazard to public safety. A faculty will also be required to carry out a programme of memorial clearance from consecrated areas of a cemetery. Where a faculty is granted, conditions may be imposed to control the scope of the work.

8.1 Burial grounds are not simply places for the burial of the dead. They provide areas for the living to commemorate those who have died, a focal point to record and appreciate the life, aesthetics and ethos of previous generations, and, by default or design, a lightly used largely unbuilt environment offering an open space refuge for local flora and fauna, as well as for human recreation and enjoyment. The interest and appeal of burial grounds is to an audience much wider than those who have a friend or relative buried in the site.

Gravestones and Tombs

In recent years, there has been much publicity about issues around the safety of memorials and in particular an often over-zealous approach to managing the risks they represent. The Ministry of Justice has provided advice for dealing with unstable memorials that seeks to find a practical and sensible way to deal with this issue. PCC's should read this useful guidance as a first step. This guidance can be found in the Publications section on their main website: www.gov.uk.

The guidelines below seek to set out in a simple way how to manage gravestones and tombs in churchyards in an appropriate way reflecting the Ministry of Justice advice.

The starting point is that gravestones and tombs are the property of the families that erected them. They have primary responsibility for their care.

However, memorials are located on church land and the church has a duty to manage the risks they present as part of the duty of the PCC to keep the churchyard in good order.

The following is a recommended management approach which is based on risk and a proportionate response.

- (i) Inspect all gravestones, tombs and vaults at least annually (this can be done by PCC members and does not require a specialist). You should consider whether some areas of the churchyard which are most heavily visited should be checked more often; it will be in those areas where risk of injury is greatest simply because more people are in the vicinity. Use your local knowledge to focus on those memorials most likely to present the greatest risk.
- (ii) Each gravestone should be visually inspected for damage or signs that it might be unstable. You should look for:

- a. Damaged or eroding bonding
 - b. Movement of parts of a memorial from its original position
 - c. Kerb stones breaking apart
 - d. Undermined foundations
 - e. Leaning memorials, particularly recent movement. It should be noted that old monolith memorials may lean but still be very stable, this is because they have a significant length below ground
 - f. Cracks
 - g. Vegetation causing cracks to widen
- (iii) Undertake a hand test to check for loose mountings, disintegrating mortar or undue spalling caused by age or frost. Record what you see for each stone perhaps by grading according to the risk they present.
 - (iv) Identify immediately dangerous stones; such stones should, with the Archdeacon's consent, be repaired or laid flat as soon as possible. It is possible to support a headstone by driving a wooden stake behind the headstone and strapping the stone to the stake. This should be undertaken with care to ensure it is secure. A headstone laid flat is the safest approach.
 - (v) For stones that require repair but do not pose an immediate risk, reasonable steps must be taken to identify family members to carry out repairs to make the stones safe within a timescale appropriate to the degree of risk involved. The family should be advised in writing and informed of the action that will be taken if the timescale is not met (this should be the minimum necessary to make the stones safe and will usually mean laying the stone flat). If no action is taken, a follow up letter should be sent informing the family that the work is to be carried out.
 - (vi) Where the family cannot be traced, the stone should be labelled with the work proposed. Advertising in local papers that work is intended and that interested parties should visit the churchyard to inspect proposals is recommended.
 - (vii) Stones requiring repair should be clearly marked with appropriate signage (use symbols as they are clear to all) and/or tape without delay.
 - (viii) Stones that pose a potential concern should be clearly identified/recorded for ongoing, regular monitoring.
 - (ix) Keep a record of when and who undertook the inspection and any specific action recommended or taken.

It is a requirement of Statute and Canon Law that a register of burials is kept by each Parish.

Since 2011 the Constitution requires that the location of new graves are recorded as there have been instances where previous burials cannot be traced because headstones have not been erected. The location of graves can be recorded in a variety of ways such as numbering with a permanent marker the number of the grave

- measuring from a clear and fixed reference point
- having an accurate churchyard plan drawn up

- Using a GPS device to plot precise coordinates Locations might be recorded in the burial register or in a separate book alongside the burial register. It can be useful to have existing grave positions recorded and local history groups may help with surveying and recording existing graves.