

CARE OF CHURCH BUILDINGS, CHURCH CONTENTS AND CHURCHYARDS

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The act of Consecration of a church and/or churchyard sets it aside for sacred uses, for future generations as well as the present one. They are centres of the Church's worship and mission and they are also, in many cases, places of cultural, historical and architectural significance for the life of the local community and in the nation. The system which has developed for their care and oversight ensures that all these factors are properly assessed before authority is given for changes to their state or to their contents by means of repair, addition or alteration. The most recent statutory provisions are contained in the Care of Churches and Faculty Jurisdiction Measure 1991.

[Ownership and Jurisdiction](#)

The ownership of the church and churchyard is normally vested in the incumbent as part of the parson's freehold, but the contents of the church are vested in the churchwardens, who hold them as trustees for the church. Under modern legislation the financial responsibility for the maintenance of a church, its goods and its churchyard rests upon the Parochial Church Council.

Churches, their contents and churchyards are under the control of the Diocesan Bishop, exercised through his Chancellor as Judge of the Consistory Court of the Diocese, assisted by the Archdeacon of the Archdeaconry concerned. All changes to a church, its contents or the churchyard must have due authority and this is normally given by the Consistory Court (either by the Chancellor or the Archdeacon) by means of a faculty. However, certain types of cases may be dealt with in other ways, as described later in this section.

The Chancellor's jurisdiction automatically extends to all consecrated churches and their churchyards, and also to new buildings licensed for public worship. The Bishop also has power under the Faculty Jurisdiction Measure 1964 to bring into the jurisdiction of the Consistory Court any existing building licensed for public worship.

The curtilage of a consecrated church, even if itself unconsecrated, is deemed to be within faculty jurisdiction and is included in "churchyard" for the purposes of this paper. The curtilage includes boundary walls, hedges etc. and lych gates.

The Consistory Court

The Consistory Court of each diocese is an integral part of the English legal system whose procedure is regulated by Rules of Court applicable to all Consistory Courts. The Diocesan Registry always has copies of the Rules currently in force. At present, these are the Faculty Jurisdiction Rules 1992.

The Chancellor, as Judge of the Court, must satisfy himself that the proposal which is the subject of a faculty petition may legally be carried out, and that it is right to do so, bearing in mind that the church or churchyard will remain after the present generation is gone, and that it should be passed on to posterity soundly maintained and, wherever possible, beautified. The Chancellor makes his judicial decision based upon proper evidence and the best admissible advice. He must ensure that all those who have a legitimate interest in the proposal have an opportunity of learning that a faculty is sought and of opposing it, if they wish. Notice is therefore given by means of a citation, displayed publicly - generally on the external and internal notice boards of the church - and also sent at the Chancellor's direction to anyone else who seems to have a special interest in the case. This may include bodies such as English Heritage or the Victorian Society for particular matters.

Under favourable circumstances, the Chancellor can issue a faculty without a court hearing. However, if he is in doubt as to whether a faculty should be granted, or if it is opposed, he has a duty to hear the full arguments of both sides of the case. In cases which may create a precedent, and in applications for the sale of church valuables (silver, pictures etc.) there will usually be a hearing in open Court.

Other Consents

All acquisitions and works to church buildings, their contents and churchyards require authorisation by the Consistory Court. Under the current provisions of the "ecclesiastical exemption" for places of worship of the main denominations in England, the authority of the Consistory Court takes the place of Listed Building controls. However, there are a few cases (mainly relating to churchyard monuments) in which separate listed building consent may also be needed. Other bodies whose authority will be needed - in addition to a faculty - for certain types of work include:

- * the local planning authority
- * English Heritage
- * English Nature

- * the Commonwealth War Graves Commission
- * the Church Commissioners and Privy Council (where churchyard land is to be the subject of a Pastoral Scheme)

Special Cases

There are some cases where a faculty is not required, in particular: -

- (a) some very minor matters ("de minimis" matters) which the Chancellor has directed do not need formal authorisation. These are listed as Schedule A in an accompanying sheet [section C4a]
- (b) other minor matters, which may not need authorisation by faculty but which will, where appropriate, be authorised by the Archdeacon after consultation with the DAC. The procedure to be followed and the list of matters covered is given as Schedule B in an accompanying sheet [section C4b]
- (c) temporary reordering: if certain detailed conditions are satisfied, the Archdeacon can authorise temporary reordering of a church for up to 15 months, to allow time to see whether the arrangements work satisfactorily and are generally acceptable before applying for a faculty.
- (d) churchyard monuments: the Chancellor has delegated powers to incumbents to permit the erection of certain monuments and inscriptions. Particulars are given in the Churchyard Regulations [section C5]. If a particular proposal falls outside the delegated authority it will be necessary to apply for a faculty.

Procedure

It is important for those involved with the care of church buildings to check at an early stage what authority will be needed for a particular project and whether any special procedures may need to be followed. Parishes, as well as the Chancellor and Archdeacons, may seek the expert advice of the Diocesan Advisory Committee on any matter concerning church buildings, contents and churchyards, without charge. The Chancellor must seek the views of the DAC in relation to any formal application for a faculty. However, the DAC can offer much practical guidance informally if consulted at a very early stage, and parishes are encouraged to discuss any project with the Archdeacon or with the DAC staff at the Diocesan Office. The procedure for applying for a faculty and the role of the DAC are set out in more detail in Sections C2 and C3.

Urgent Matters

The Chancellor has power to grant leave to proceed with works prior to a faculty

being granted, if there is an urgent reason to do so (for example, because the structure is becoming dangerous). This means it should never be necessary to carry out works without due authority. However, it is important to bear in mind that leave to proceed will only be granted in cases of real urgency, and not simply to enable a parish to make the most of a "special offer for a limited period only", for example.

Fees

Faculty fees are laid down in orders issued periodically by the General Synod and confirmed by Order in Council. In this diocese, faculty fees are normally met by the Diocesan Common Fund and this means that **no cost falls on the individual parish making a faculty application**. There are some important exceptions to this general policy: -

- * Where a faculty petition has to be made retrospectively to authorise work carried out without proper authority, the faculty fee is payable by the parish making the application.
- * Where a faculty petition is made by or on behalf of an individual who will benefit personally if the petition is granted, the applicant is required to pay the faculty fee. Examples include the reservation of a grave space or the erection of an individual monument which requires a faculty.
- * Where a hearing is required to resolve a faculty petition, the costs and expenses related to the hearing will be assessed by the Registrar and payable by the party or parties directed by the Chancellor.

Enforcement

(1) Churchwardens are for this purpose the officers of the Bishop and have a duty to see that the law is observed in their parishes. They should report to the Archdeacon or Chancellor anything which is done amiss.

(2) In particular, churchwardens must inspect and then report on the fabric annually (at the Annual Parochial Church Meeting) and disclose to the Archdeacon, at his annual visitation, all work that has been done to the fabric or contents of the church and churchyard, and the authority under which the work was done. It is hoped that most problems can be sorted out by informal discussion between the Archdeacon, the incumbent and churchwardens and the PCC.

(3) Sometimes mistakes do happen. Whenever a mistake is discovered, the incumbent and churchwardens should immediately petition for a faculty

authorising retrospectively what has been done. They should make a full disclosure of the circumstances which led to the mistake.

(4) The Archdeacon has the following powers:

- * To order the removal of an article to a place of safety if he considers it is in danger.
- * To petition for faculty if a parish fails to take action which is necessary for the care of the building.
- * To be authorised by the Chancellor to undertake work under faculty (at the petitioners' expense) if the petitioner fails to do so.
- * To call an extraordinary meeting of the PCC or an extraordinary Parochial Church Meeting to discuss any failure to fulfil the legal requirements at parish level.

(5) The Chancellor has the following powers:

- * To order a party to faculty proceedings whose act or default led to the proceedings to pay the resulting costs and expenses.
- * To issue an injunction to restrain an unlawful act.
- * To make a restoration order requiring the position to be restored as far as possible to what it was before an unlawful act was committed.

(6) Finally, failure to comply with an order of the Consistory Court without reasonable cause is a contempt of court and can be punished on that basis, if necessary by referring the matter to the High Court.

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ROLE OF THE DAC

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The Diocesan Advisory Committee is a committee reporting to the Diocesan Synod. Its constitution and terms of reference follow the model set out in the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. Broadly, its terms of reference are to advise parishes and the Chancellor on matters concerning the care of church buildings and their contents, including faculty petitions but also more informally. The same Measure requires all those concerned with the care and conservation of church buildings to have regard to the role of a church as a local centre of worship and mission and this principle underlies the DAC's work.

The areas on which the DAC can advise include:

- the grant of faculties
- the architecture, archaeology, art and history of places of worship
- the use, care, planning, design and redundancy of places of worship
- the use and care of the content of such places; and
- the use and care of churchyards and burial grounds.

[Guidance for parishes](#)

As well as replying to individual enquiries, the DAC issues advice leaflets on a range of matters. The Committee is not able to recommend any craftsman or contractor, although names and addresses held by the Committee can sometimes be passed on. However, the Committee is concerned that parishes should make proper enquiries themselves about the competence of those employed to undertake works to church buildings and should seek evidence of membership of professional bodies where appropriate (eg. NICEIC for electrical contractors; CORGI for heating contractors, etc.)

The DAC's members include professional people with expertise in areas including architecture, art history, liturgy, archaeology, engineering, bells, etc., as well as parish clergy and, ex officio, the archdeacons. The Committee can also call on a number of consultants with detailed knowledge of stained glass conservation, clocks, and other matters.

[Visits to churches](#)

Members of the DAC give of their time and expertise without remuneration (other

than travel expenses, where claimed). The Church's system means that parishes are able to obtain advice and comments on proposed schemes of repair and improvement without incurring the sort of costs which would be payable on lodging a planning application or other application for approval under secular building controls.

The Committee meets seven times a year to consider a range of faculty applications and general matters. Many other requests for advice or comment on schemes, especially straightforward repairs, are dealt with between meetings by a standing committee procedure. The Archdeacons and the DAC staff at the Diocesan Office are happy to advise on the procedure in particular cases.

The DAC is very glad to field a delegation to visit a church, especially where plans for reordering or a new building are being mooted. The opportunity can be taken to draw in other interested bodies such as the local authority or English Heritage, so that a way forward can be agreed which is likely to be feasible and acceptable to all parties.

[Records](#)

The DAC holds records relating to church buildings, including their listed status, previous quinquennial inspection reports, faculty histories and inventories, and the staff at the Diocesan Office are happy to reply to enquiries from parish clergy and PCC officers. Sensitive documents such as inventories are generally stored securely at the County Record Office in Hertford, but may be accessed by DAC staff and parish officials.

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APPLYING FOR A FACULTY

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[INTRODUCTION](#)

1. This leaflet sets out the procedure for obtaining *faculty* (a permission) from the Consistory Court (that is the Church Court of the Diocese). The legal requirements are laid down in the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the Faculty Jurisdiction Rules 1991, (published by Church House Publishing, and obtainable from Church House Bookshop, Great Smith Street, London, SW1P EBN)
2. **Faculties** are granted either by the *Chancellor* (the judge sitting in the consistory court) or by the *Archdeacon*. A faculty is normally needed *for repairs, alterations or additions* (including disposals and other transactions) to Church of England churches, their contents and the churchyard and land belonging to them. "Church" includes all parish churches and many other churches and places of worship as well as some other Church property such as consecrated burial grounds. If there is any doubt as to whether a faculty is needed, you should consult the Diocesan Registrar before starting the work.
3. There are some cases where a faculty is not required, in particular: -
 - a) *some very minor matters* – sometimes called "de minimis" matters – which the Chancellor has directed do not need formal authorisation. These are listed as **Schedule A** in an accompanying leaflet. If there is any doubt as to whether a particular matter is covered by this schedule you should again consult the Registrar before starting the work;
 - b) *other minor matters* which may not need formal authorisation by faculty but which will, where appropriate, be authorised by the Archdeacon after consultation with the DAC. The procedure to be followed and the list of matters covered are given as **Schedule B** in an accompanying leaflet.
 - c) *temporary re-ordering*: If certain detailed conditions are satisfied, the Archdeacon can authorise temporary re-ordering of a church for up to 15 months, to allow time to see whether the arrangements work satisfactorily and are generally acceptable before applying for a faculty; and

d) *churtyard monuments*: The Chancellor has delegated powers to incumbents to permit the erection of certain monuments and inscriptions. Particulars are given in the Diocesan Handbook and details can also be obtained from the DAC Secretary and the Registrar. If a particular proposal falls outside the delegated authority it will be necessary to apply for faculty.

4. In the case of disinterment or reinterment and reservation of grave spaces, special rules apply. Applications should be made in the first place to the Registrar who will give instructions as to the procedure to be followed.

STAGE 1 – EXTERNAL CONSULTATIONS AND CONSENTS

5. The first step should be *informal consultation* about the proposals. As well as the *minister* (the rector or vicar, or in some cases a team vicar or priest in charge), the churchwardens and parochial Church Council and the congregation and parish as a whole, people and bodies to be consulted include the parish's architect or surveyor and other professional advisers, the Archdeacon, the DAC Secretary and also the local planning authority. National Amenity Societies and English Heritage may also have an interest, particularly if they are to be involved formally at a later stage (see paragraphs 6 and 24 below) The same may also apply to the Council for the Care of Churches (see paragraph 25 below). It may also be necessary to find out from the local planning authority whether the church or churchyard is in a conservation area, and whether the proposals affect a listed building or structure (e.g. a churchyard monument) other than the church itself. Detailed advice about when these bodies will need to be consulted is available separately from the DAC. It is important that these contacts are initiated at an early stage, when the proposals are still capable of significant alterations.

6. Arising from the informal consultations, it will be come clear if there is a need to consult *any of those bodies* formally or obtain their consent. This should be done next. For example: -

a) *The local planning authority* may need to grant planning permission or some other permission or consent. This applies in particular to new buildings or additions, work affecting the exterior of churches or churchyards, or work affecting trees, which are subject to tree preservation orders or, in conservation areas. You should always consult the appropriate professional adviser and, if necessary, the Registrar and the local planning authority itself as to whether any consent etc. of this kind is needed.

b) *English Heritage* will need to give its support to the proposals if it is

being asked to grant aid them or has given, in the past, a grant for work to the church. If the church is listed as Grade I or II*, it may well be that the Chancellor, in considering the faculty petition will, in any case, require the opinion of English Heritage whether or not it is grant-aided;

c) *English Nature* needs to be consulted if the church has bats or a history of roosting bats and if the proposals (e.g. structural repairs or timber treatment) could affect those bats or their roosts;

d) *Commonwealth War Graves Commission* should be consulted if it is suspected that the proposals could affect a war grave burial, monument or memorial (because some of the graves and monuments for which the Commission is responsible are not readily identifiable – except through its records – as war graves).

STAGE 2 – OBTAINING ADVICE FROM THE DAC

7. The *Diocesan Advisory Committee* (DAC) is the advisory body on matters affecting places of worship in the Diocese. One of its main functions is to give advice to the Chancellor, the Archdeacons and intending applicants for faculties on such matters as: -

- a) the grant of faculties
- b) the architecture, archaeology, art and history of places of worship;
- c) the use, care, planning, design and redundancy of places of worship;
- d) the use and care of the contents of such places; and
- e) the use and care of churchyards and burial grounds.

8. Once the steps in paragraphs 5 and 6 above have been completed, the intending *petitioners* (that is, the people who will be applying for the faculty) should *apply to the DAC for its formal advice*.

You should send the following items (*in duplicate*) to the DAC Secretary:

Full details of the proposals, including where appropriate: -

- Drawings, plans, designs and specifications
- Other documents (which should be listed)
- The name of the architect
- The person or firm who will carry out the work (if known)
 - Where significant changes to a listed building are proposed, a statement of Significance and a Statement of Needs [the DAC produces separate guidance on these documents]

Please note that a Quinquennial Inspection Report only reports on the

condition of the fabric of the church and does not contain information that is suitable to be used as the basis for a faculty petition.

9. Where works to a tree or trees in a churchyard or consecrated burial ground are proposed, a separate form is to be sent to the DAC at the time its advice is sought. Copies of the form are available from the DAC Secretary.

10. The DAC meets about every six weeks and applications are dealt with on a rolling basis. Petitioners are encouraged to submit applications as soon as the information is at hand. The DAC may need to send the Secretary, or one or more members, or both to visit the church. However they cannot take a formal decision on site – this must be taken by the DAC itself following a report of the visit.

11. For many technical matters such as repair specifications, the DAC uses a Standing Committee procedure.

12. After the DAC has considered the proposals, one copy of the plans and other documents will be retained for record purposes. The other copy will be returned to the applicants, duly stamped as part of the enclosures to accompany the faculty petition. The applicants will also receive the DAC's certificate relating to the proposals. This will contain a description of the proposals and indicate whether the DAC has decided to recommend them. (In the first two cases its decision may be subject to provisos). The certificate will also indicate (i) whether or not the DAC considers that the proposals will result in a material alteration to the appearance of the church or affect its setting; and (ii) whether any of the special cases set out in paragraph 23 below applies.

13. If the DAC decides *not to recommend* the proposals, it is still possible to apply to the Consistory Court for the matter to be considered for a faculty, but it will normally be advisable to try to modify the proposals to meet the DAC's concerns and re-submit them to the DAC before proceeding any further.

STAGE 3 – THE PETITION AND CITATION

14. The PCC should be asked to pass a formal resolution supporting (or expressing any other views on) the proposals. The voting figures should be recorded.

15. The petitioners should then lodge the completed petition (that is, the formal application for a faculty) with the Registrar. The petition form is usually sent to the intending petitioners with the DAC certificate. Further copies can be obtained from the DAC secretary or from the Registrar. The petitioners are

normally the minister and churchwardens – if anyone else is to be a petitioner, the Registrar should be consulted first. It is the petitioners' responsibility to see that it is carefully and correctly completed. In particular, the "Schedule of Works or Purposes" will normally follow the description in the DAC certificate (see paragraph 12 above) and the works or purpose should be identical to those that the DAC has already considered. If there is any change in them, the petitioners should contact the DAC Secretary straight away.

16. The following documents must be submitted with the petition: -

- a. the DAC certificate;
- b. a copy of the PCC resolution (see paragraph 14 above);
- c. the drawings, designs, plans, specifications, estimates etc. giving full particulars of the proposed works. These should be the same documents as were submitted to the DAC and should bear the DAC's stamp. These documents will normally be retained in the diocesan registry and should be on thin paper to enable them to be easily folded.
- d. all other correspondence etc. referred to in the answers to the questions in the petition (including any letters from the insurers stating that the work has their consent and any correspondence with English Heritage);
- e. one copy of the general citation (see paragraph 19 below)

17. Where significant changes to a church are proposed, a copy of the designs, plans, photographs and other documents submitted with the petition should be displayed in the church to which the proposals relate and should remain on display until the petition for faculty has been determined.

18. In this diocese, individual faculty fees are not collected for parochial faculty applications except where a parish is seeking a confirmatory faculty or where there is an element of privilege in the application (e.g. the reservation of a grave space). If fees are payable, the Registrar will give further advice in the matter.

19. If the petitioners are the minister and/or churchwardens, they must complete and sign the form of *general citation* (that is, notice to the public of the petition for the faculty) which will normally be sent with the DAC certificate, submit one copy to the Registrar with the petition, and display the other copies of the citation as described in paragraph 20. (In cases where the petitioners are not the minister and/or churchwardens, they should ask the Registrar for directions as to the general citation). The Registrar is available to advise petitioners on special cases, as set out in paragraphs 23 and 24. If the citation is not completed satisfactorily the Registrar will need to order a further

citation to be published and this will cause delay.

20. The completed citation must be *displayed*: -

- a) inside the parish church, on a notice board or in some other prominent position; and
- b) outside the parish church on a notice board (if there is one) or on or near the principal door or in some other prominent position; and
- c) if the application relates to another church or place of worship in the parish, inside and outside that church or place of worship also.

With certain exceptions (see paragraphs 23 and 24), the citation must be displayed for a continuous period of not less than 28 days. After this has been done the citation should be sent to the Registrar with the "certificate of execution" on the reverse of the form duly completed.

21. Anyone who wishes to object to the proposals has 28 days from the date when the citation was first put up to lodge an objection with the Registrar.

STAGE 4 – CONSIDERATION OF PETITION AND GRANT OF FACULTY

22. If the Court is satisfied that a faculty should be granted and makes order to that effect, and provided that no objections are received and no special procedures apply (see below), *the faculty will be issued* after the certificate of execution of the Citation (see paragraph 20 above) is received by the Registrar. The faculty will set out the timetable by which the works should be completed and require the petitioners to send in a certificate of completion to the Registrar within that period.

23. *Special requirements* apply if the works for which a faculty is sought: -

- a. involve alterations to or extension of, a church which is a listed building, to such an extent as is likely to affect its character as a building of special architectural or historic interest; or
- b. affect the archaeological importance of the church or archaeological remains existing with the church or its curtilage; or
- c. involve demolition affecting the exterior of an unlisted church in a conservation area (see also paragraph 25 below).

24. In these cases special rules apply as regards the general citation (see paragraph 1 above). In addition, the Chancellor is obliged to ensure that each of a number of bodies listed in the legislation is made aware of the works

unless it has already been notified. The bodies are *English Heritage*, the *local planning authority*, and also any relevant *National Amenity Society*, which the Chancellor considers to have an interest. (The National Amenity Societies are the Ancient Monuments Society, the Council for British Archaeology, and the Society for the Protection of Ancient Buildings, the Georgian Group, the Victorian Society and the 20th Century Society). The Chancellor will therefore order the Registrar to serve a special citation (that is, notice on an individual basis) on each of the relevant bodies unless there is correspondence clearly showing that it is fully aware of the proposed works and has no objection to them. Consequently, it is likely to save time if they are approached at an early stage. The Registrar is always ready to advise petitioners when this special provision is likely to apply.

25. In particular cases regarding *demolition* or relating to an article of matter of *historic or artistic interest*, or where he considers its advice would be useful to him, the Chancellor will also direct the Registrar to serve full details on the *Council for the Care of Churches*. In these cases, together with cases of *church extensions* and *sale of church goods*, additional procedures are likely to be required, e.g. newspaper advertisement, and enquiries should be made of the Registrar.

Useful addresses

English Heritage

East of England Regional Office
24 Brooklands Avenue
Cambs CB2 2BU

Tel: 01223 582700

Council for the Care of Churches

Church House
Great Smith Street
London SW1P 4NZ

Tel: 020 7898 1881

National Amenity Societies

Ancient Monuments Society

St Ann's Vestry Hall
2 Church Entry
London EC4V 5HB

Council for British Archaeology

Bowes Morrell House
111 Walmgate
York YO1 2UA

S.P.A.B.

(Society for the Protection of Ancient Buildings)
37 Spital Square
London E1 6DY

The Georgian Group

6 Fitzroy Square
London W1P 6DX

The Victorian Society

1 Priory Gardens
London

The Twentieth Century Society

70 Cowcross Street
London

W4 1TT

EC1M 6BP

Other sources of grant aid

Historic Churches Preservation Trust

Fulham Palace
London
SW6 6EA

Bedfordshire & Hertfordshire Historic Churches Trust

Archie Russell- Grants Secretary
Wychbrook,
31 Ivel Gardens,
Biggleswade,
Beds. SG18 0AN

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April 2005

CARE OF CHURCHES AND FACULTY JURISDICTION MEASURE 1991

SCHEDULE A: NO FACULTY REQUIRED AND NO CONSULTATION NECESSARY

THIS SCHEDULE lists very minor matters relating to churches, which may be undertaken without a Faculty and for which no prior consultation or other authorisation is required.

EXCLUSIONS

- i. Matters concerning items which, in their own right, are of historic, architectural or archaeological importance. These matters will require a Faculty.
- ii. Minor repairs or alterations to churches designed and/or built as a cohesive whole. These matters should be dealt with under the Schedule B procedure.
- iii. Any items introduced under this Schedule and having a commemorative plaque or inscription unless:
 - a) the wording merely states that it is in memory of a particular person and gives his or her dates of birth and death, together (if so desired) with a scriptural reference; and
 - b) the inscription is on the underside of the particular item or the plaque is no larger than 3½" x 2" (90mm x 50mm).

In all other instances a Faculty will be required.

SCHEDULE A

Alarm systems	Regular maintenance
Albs or surplices	Introduction or disposal of on a like for like basis
Altar linen	Introduction or disposal
Banners	Introduction for no longer than 3 months in any one year
Bell frames	De-rusting and repainting (<i>in existing colours</i>)
Bell ropes	Renewal
Bell stays (Wooden)	Repair and replacement
Bibles	Introduction, replacement (<i>provided they are approved by the General Synod under the provisions of the Church of England (Worship & Doctrine) Measure 1974</i>) or disposal of (<i>but not disposal of hand-bound or other valuable books</i>)
Bird Netting	Replacement
Boards & Banners	Introduction for no longer than 3 months in any one year
Carpets & Curtains	Repair or replacement (like for like) & fireproofing
Chimneys & flues	Repairs <i>Not exceeding £500 (exclusive of VAT)</i>
Choir Music	Introduction, replacement or disposal (<i>but not the disposal of hand bound or other valuable books</i>)
Choir Robes	Introduction or disposal of on a like for like basis
Christmas cribs	Introduction for no longer than 3 months in any one year
Churchyards	Routine clearing + maintenance
Churchyard fences, gates and seats	Routine maintenance

Clocks & clock faces	Inspection & routine maintenance
Cruets	Introduction or disposal
Curtains	Repair or replacement
Cushions	Introduction, replacement or disposal (individual)
	Introduction for no longer than 3 months in any one year
Decorative banners	
Doors	Repainting in existing colour, oiling or lime treatment of wooden doors previously so treated.
Downpipes	Rodding and clearing (minimum use of chemical spray)
Drains	Rodding and clearing (minimum use of chemical spray)
Easter gardens	Introduction for no longer than 3 months in any one year
Electrical systems	Regular inspection & maintenance
Exhibitions	Introduction for no longer than 3 months in any one year
Fire extinguishers	Regular maintenance
Flagpoles	Renewal/replacement of unchanged design
Flashings	Renewal of <i>Not exceeding £500 (exclusive of VAT)</i>
Floor repairs	Minor repairs to stone floor <i>Not exceeding £500 (exclusive of VAT)</i>
Gates	Repainting in existing colour, oiling or lime treatment of wooden gates previously so treated. De-rusting
Glass	Introduction, replacement or disposal of glass cruets
Gulleys	Rodding and clearing of vegetation (to include the minimum use of chemical sprays)
Gutters/downpipes	Regular clearance, overhaul or repair <i>Not exceeding £500 (exclusive of VAT)</i>
Harmoniums	Tuning & routine maintenance & adjustments
Hassocks	Introduction, replacement or disposal (individual)
Heating systems	Regular maintenance
Hymn Books	Introduction, replacement or disposal of <i>(but not the disposal of hand bound or other valuable books)</i>
Ironwork	Repainting & de-rusting to windows, doors, gates, oil tanks, bell frames & weather vanes (using a suitable rust proof paint in existing colours)
Kneelers	Introduction, replacement or disposal (individual)
Lead Burning	Small areas <i>Not exceeding £500 (exclusive of VAT)</i>
Lightning conductor	Regular inspection and maintenance
Loop system	Routine maintenance
Mowing Equipment	Provision & maintenance

Notice boards	Repainting in existing colour and provided no alteration is made except for changing the details of an office holder or times of services
Oil tank & stand	De-rusting & repainting
Organs	Tuning, routine maintenance & adjustments
Pew Platforms	Minor repairs <i>Not exceeding £500 (exclusive of VAT)</i>
Piano	Tuning, routine maintenance & adjustments; maintenance using matching materials

Plastering	Small areas (where there are no archaeological implications or wall paintings) <i>Not exceeding £500 (exclusive of VAT)</i>
Registers	Purchase of new registers – but not books of Remembrance Deposit of closed Registers and other parochial records in the Diocesan Record Office
Rendering	Small areas (where there are no archaeological implications or wall paintings) <i>Not exceeding £500 (exclusive of VAT)</i>
Robes	Introduction or disposal all on a like for like basis
Roofs	Clearing of vegetation (to include the minimum use of chemical sprays)
Roofs – Felt	Repairs to roofing felt <i>Not exceeding £500 (exclusive of VAT)</i>
Roofs – Flashings	Renewal of flashings <i>Not exceeding £500 (exclusive of VAT)</i>
Roofs – Tiles/Slates	Replace broken tiles or slates (like for like) <i>Not exceeding £500 (exclusive of VAT)</i>
Service Books	Introduction, replacement or disposal of (<i>provided they are approved by the General Synod under the provisions of the Church of England (Worship & Doctrine) Measure 1974 but not disposal of hand bound or other valuable books</i>)
Smoke Detectors	Routine maintenance
Stonework	Lime treatment to small areas of stone (where there are no archaeological implications or wall paintings) <i>Not exceeding £500 (exclusive of VAT)</i>
Surplices	Introduction or disposal on a like for like basis
Timber treatment	Except where bats are present <i>Not exceeding £500 (exclusive of VAT)</i>
Vases	Introduction, replacement or disposal
Ventilators	Overhaul <i>Not exceeding £500 (exclusive of VAT)</i>
Vergers Robes	Disposal or introduction of on a like for like basis
Walls	Clearing of vegetation (to include the minimum use of chemical sprays)
Weather vane	Renewal/replacement of unchanged design, de-rusting and repainting <i>Not exceeding £500 (exclusive of VAT)</i>
Windows	Replacement of broken window panes (except for stained or historic glass); de-rusting and repainting <i>Not exceeding £500 (exclusive of VAT)</i>
Window guards	Like for like replacement of window guards (not in galvanised steel) <i>Not exceeding £500 (exclusive of VAT)</i>

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September 2007

THIS SCHEDULE lists relatively minor matters relating to churches which may be undertaken without a Faculty as long as the conditions and procedures set out below are satisfied.

EXCLUSIONS

- i. Matters concerning items which, in their own right, are of historic, architectural or archaeological importance. These matters will require a Faculty.
- ii. Any items introduced under this Schedule and having a commemorative plaque or inscription unless:
 - a) the wording merely states that it is in memory of a particular person and gives his or her dates of birth and death, together (if so desired) with a scriptural reference; and
 - b) the inscription is on the underside of the particular item or the plaque is no larger than 3½" x 2".

In all other instances a Faculty will be required

CONDITIONS AND PROCEDURES

Before undertaking any of the items in this Schedule, the following conditions must be fulfilled:

- i. The applicants should send to the Secretary of the Diocesan Advisory Committee
 - a) Full details, plus specifications and costings where relevant.
 - b) A copy of the Resolution of the PCC authorising the work, together with the voting figures
 - c) Written assurance that there is no reason to suppose the proposals would be opposed by a significant body of opinion in the Parish, and
 - d) Written assurance that the work has not yet commenced.
- ii. The applicants must await authorisation to proceed. If the Diocesan Advisory Committee recommends the proposals, the Secretary to the Committee will refer the proposals (together with its written advice) to the Archdeacon for his/her approval, and, if so approved, a letter of authority will be issued. If at any stage it is considered that the matter should be dealt with by Faculty, then the necessary documents will be forwarded to the applicants.

SCHEDULE B

Alarm systems	Installation <i>also requires insurers agreement</i>
Altar frontals & falls	Replacement (solely displaying traditional Christian symbolism)
Amplifiers	Replacement
Bells, bell bearings, bell clappers, bell frames	Inspection and routine maintenance
Bird netting	Introduction of
Boiler	Replacement & repair; investigative works (not affecting the appearance of the church) <i>may require insurers agreement</i>

Brickwork	Small areas of pointing; replacing small areas of brick or stone (like for like) Not exceeding £5,000 (exclusive of VAT)
Carpentry & joinery	Repairs of louvres, modern doors and furnishings
Chimneys & flues	Minor fabric repairs Not exceeding £5,000 (exclusive of VAT)
Churchyard walls	Repairs (no archaeology)
Clocks & clock faces	Minor repairs and overhauls, including repainting clock faces as previously
Copings	Replacement of, like for like Not exceeding £5,000 (exclusive of VAT)
Cupboards in vestry	Introduction or disposal
Curtains in vestry or tower (unseen)	Introduction or disposal
Cushions	Introduction or disposal (all or substantial number)
Dehumidifiers	Introduction or disposal
Display Boards	Introduction or disposal (freestanding only)
Doors - modern	Repairs
Drains	Repairs to existing
Electrical socket or light fitting	Introduction (provided the existing capacity is sufficient) <i>also requires insurers agreement</i>
Fences	Repairs (where there are no archaeological implications)
Fire alarms	Installation <i>also requires insurers agreement</i>
Fire alarms	Routine maintenance
Fire extinguishers	Introduction or disposal
Flagpoles	Renewal or replacement of (Not lightning conductors) Not exceeding £5,000 (exclusive of VAT)
Floor repairs	Minor repairs to stone floor Not exceeding £5,000 (exclusive of VAT)
Flower stands	Introduction or disposal

Furnishing & Fabric	Disposal of minor items which have no historical or artistic merit. Repairs to furnishings
Gates	Repair
Gutters/downpipes	Overhaul or replacement Not exceeding £5,000 (exclusive of VAT)
Hassocks	Introduction or disposal of a substantial number
Heating systems	Investigative works
Heating	Replacement & repair of pumps, boiler, heating mechanisms & radiators not affecting the appearance of the church may require insurers agreement
Hedges	Planting
Hymn Boards	Introduction or disposal
Investigations	Timbers, parapet gutters, settlement, heating systems & leaks
Kneelers	Introduction or disposal of substantial number
Lead Burning	Small areas Not exceeding £5,000 (exclusive of VAT)
Leaks	Investigative works
Light fittings	Introduction of (providing the existing capacity is sufficient) also requires insurers agreement
Lightning conductor	Removal if faulty also requires insurers agreement
Loop system	Installation also requires insurers agreement
Louvres	Repairs
Oil tank & stand	Disposal
Parapet gutters	Investigative works
Paths	Resurfacing – like for like
Pew Platforms	Minor repairs Not exceeding £5,000 (exclusive of VAT)
Plastering	Small areas (where there are no archaeological implications or wall paintings) Not exceeding £5,000 (exclusive of VAT)
Pointing	Small areas Not exceeding £5,000 (exclusive of VAT)
Pumps	Replacement & repair not affecting the appearance of the church may require insurer's agreement
Radiators	Replacement & repair not affecting the appearance of the church may require insurer's agreement
Ramps	Introduction or disposal
Redecoration	Areas less than the whole church or less than the whole nave or chancel with agreed materials, provided the same colour is used as previously
Rendering	Small areas (where there are no archaeological implications or wall paintings) Not exceeding £5,000 (exclusive of VAT)

Roofs – Felt	Repairs to roofing felt <i>Not exceeding £5,000 (exclusive of VAT)</i>
Roofs – Flashings	Renewal of flashings <i>Not exceeding £5,000 (exclusive of VAT)</i>
Roofs – Tiles/Slates	Replace broken tiles or slates(like for like) <i>Not exceeding £5,000 (exclusive of VAT)</i>
Safes (in vestry)	Introduction or disposal
Security lights	Installation <i>also requires insurers agreement</i>
Security lights	Routine maintenance
Settlement	Investigative works
Smoke Detectors	Installation <i>also requires insurers agreement</i>
Song Books	Introduction, replacement or disposal but not disposal of hand bound or other valuable books
Stonework	Replacement of small areas of stone or brick (like for like); lime treatment to areas of stone. (where there are no archaeological implications or wall paintings) <i>Not exceeding £5,000 (exclusive of VAT)</i>
Tell Tales	Introduction or disposal
Timbers	Investigative works
Timber treatment	Except where bats are present <i>Not exceeding £5,000 (exclusive of VAT)</i>
Trees	Planting <i>Not exceeding £5,000 (exclusive of VAT)</i>
Ventilators	Overhaul <i>Not exceeding £5,000 (exclusive of VAT)</i>
Vestments	Replacement
Weather vane	Renewal or replacement of (not lightning conductors) <i>Not exceeding £5,000 (exclusive of VAT)</i>
Windows	Replacement of broken window panes (except for stained or historic glass) renewal of window guards <i>Not exceeding £5,000 (exclusive of VAT)</i>
Window guards	Like for like replacement of window guards (not in galvanised steel) <i>Not exceeding £5,000 (exclusive of VAT)</i>

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January 2005

CHURCHYARD REGULATIONS

This Guide is explanatory, advising on good practice and management of our churchyards, and providing advice and assistance.

The Regulations themselves are set out in a separate Annex.

GUIDE TO THE REGULATIONS

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[Memorials and Graves](#)

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- [Permitted designs](#)
- [Materials for memorials](#)
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INTRODUCTION

1 General

Our churchyards are part of our Christian faith and heritage. They are vested in the Incumbent of the parish alone. Through consecration they are set apart for the reverent burial of parishioners, that is, those who have their names on the Electoral Roll or other persons who die in the parish. The Incumbent may also grant permission for the burial therein of other persons at his or her sole discretion. There is no right of appeal from his or her decision on this point. Churchyards should be regarded as belonging to God, representing to us God's love and compassion for the whole community. They need to be looked after and embellished to the glory of God, for the benefit of all of God's people today as well as those to come. The regulations set out in the Annex ("the Regulations") are intended to encourage good practices in order to create and maintain a place of peace, dignity and respect for the departed.

2 Control

Authority in respect of memorials is vested in the Chancellor of the Diocese and disputed matters are referred to his court. However, the Chancellor has granted delegated powers to incumbents and Parish Priests (Rectors, Vicars, Priests in Charge and Team Vicars). They have authority at their discretion to allow memorials into churchyards in a manner consistent with the Regulations. During a vacancy, this authority is exercised by the Rural Dean. They may

consult with the Diocesan Advisory Committee ("DAC") or the Chancellor. Any departure from the Regulations requires permission under the discretionary procedure set out below. Faculties for specially designed or beautiful headstones are often readily granted and permission may also be granted in appropriate cases allowing designs that are not normally permitted under paragraph 2.3 below.

3 Reservation of Gravespaces

Parishioners (and other persons who die in the parish) have a right of burial in the churchyard, where one exists and provided that it has not been closed. The incumbent also has discretion to grant permission for the burial of other persons in the churchyard.

The incumbent has the right to decide where in the churchyard a particular burial or interment shall take place, except where a specific place has been reserved by faculty. A grave space may be reserved by faculty, that is, with permission from the Chancellor's court, but not otherwise as also set out below (paragraph 2.11). Neither the reservation of a grave space nor the exercise of the right of burial mentioned above, nor the erection of a monument confers any right of ownership on the relatives of the deceased or upon any other person in respect of any part of the churchyard which remains vested in the Incumbent.

4 Cremated Remains

An area in a churchyard may be set aside by faculty for the burial of cremated remains subject to any arrangements set out in the faculty. Particular provision is made by the Regulations for churchyards in parishes which have less than 600 persons on the Parliamentary Electoral Roll or the area in which the parish is situated ("the Roll"). Ashes after cremation should be buried and not scattered or strewn and should be buried in a perishable container or poured into the ground and covered. See further, paragraph 3 below.

5 Working Practice

All work should comply with the code of working practice of the National Association of Memorial Masons insofar as compatible with the Regulations.

[Memorials and Graves](#)

1 Introduction

A small mound of earth will usually be left immediately after the interment. The grave will usually be marked by a simple wooden cross. About a year after this the grave should be levelled. Once this is done an application may be made for the introduction of a memorial.

2 Approval of gravestones

The design of gravestones and the wording and lettering of the inscription on them should be submitted in the prescribed form for prior approval to the parish priest by those wishing to introduce the memorial. The prescribed form and a guide to these Regulations may be obtained from the parish priest or Diocesan Registry. The completed form should show full particulars of the stone proposed with its measurements, materials, shape, base, colour, design and decoration and relation to the ground and of any inscription proposed showing the full text of the inscription together with the colour, style and size of the lettering. No action should be taken in respect of the application until written permission has been given.

3 Permitted designs

Headstones, boulders or crosses, provided they fall within the Regulations, may be introduced and should be of traditional shape and of simple design. Columbaria, raised curbs, railings, edgers, plain or coloured chippings or stones in the shape of hearts, figures, open books or bird baths etc are not permitted. Photographs and other mementoes similarly are not permitted.

Individually designed memorials with appropriate and interesting features and texts are strongly encouraged, provided they fall within the Regulations.

People should see a memorial as an opportunity to make an individual statement about the

[\[1\]](#)

deceased. The organisation Memorials by Artists helps people to commission interesting individual memorials.

See also paragraph 1.2 above.

4 Materials for memorials

Natural materials only should be used, preferably those which are traditionally used in local buildings, e.g. stone, slate, or oak. The materials selected should be in sympathy with the colour and texture of the church building and its surroundings.

In any individual churchyard the parish priest has authority at his or her discretion to allow the types of stone listed below (underlined).

<u>Headstones</u>	e.g. Forest of Dean, Serena (Italy), York
<u>Limestones</u>	e.g. Hopton Wood, Hornston, Nabresina (Italy), Portland
<u>Slates</u>	e.g. Welsh, Cumbrian
<u>Granites</u>	may be grey or red and should be: no lighter than honed Cornish and no darker than honed Rustenberg Grey
<u>Marble</u>	Dove Grey only

The finish should be non-reflective. For guidance, samples may be inspected at the Diocesan office.

For any other type, colour or finish of stone, permission should be sought in the first instance through the discretionary procedure in paragraph 6 below.

5 Dimensions

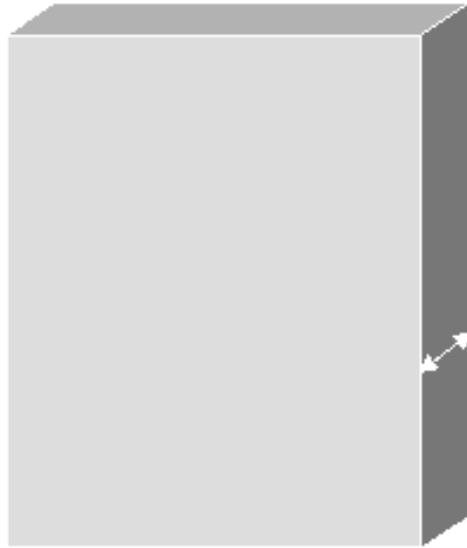
5.1 Headstones and Crosses

So far as adjacent ground levels reasonably permit, the foundations of a headstone or cross should be at or below the surface of the ground so that a mower may pass freely over it. They should be so constructed and placed as to ensure safety and stability.

5.2 Headstones

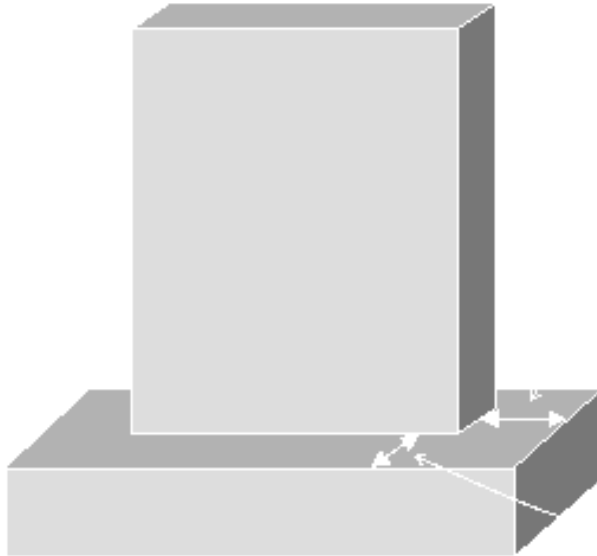
Headstones should not normally exceed 1200mm (4ft) in height, measured from the ground level, 900mm (3ft) in width and 150mm (6") in thickness. They should not be less than

00mm (2ft) high, 500mm (1'8") wide and 65mm (2½") thick (unless slate is used, in which case they should not be less than 50mm (2") thick).

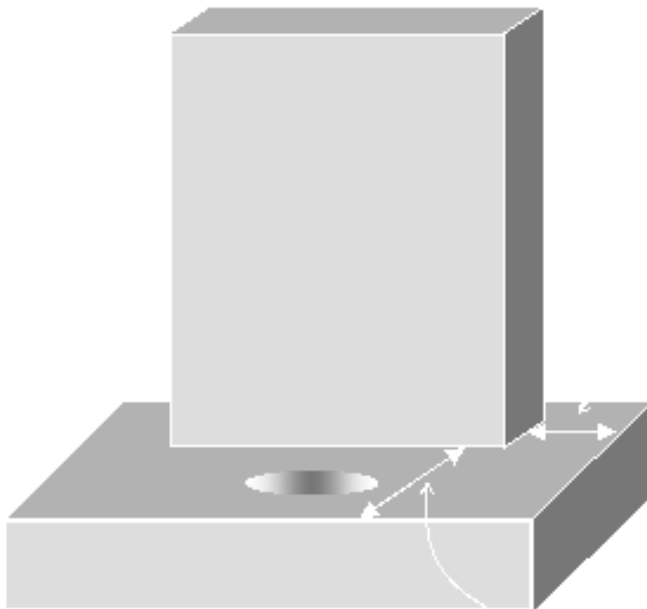


Headstones may be of three types:

- so shaped that they can be inserted directly into the ground at sufficient depth to ensure stability
- on an integral base no more than 900mm (3ft) wide or projecting more than 100mm (4") in any direction and not more than 225mm (9") high



- on a vase base not more than 900mm (3ft) wide or projecting more than 100mm (4") on either side or projecting more than 175mm (7") in front of the headstone or more than 100mm (4") high. The base should not be more than 375mm (1'3") overall from front to back.

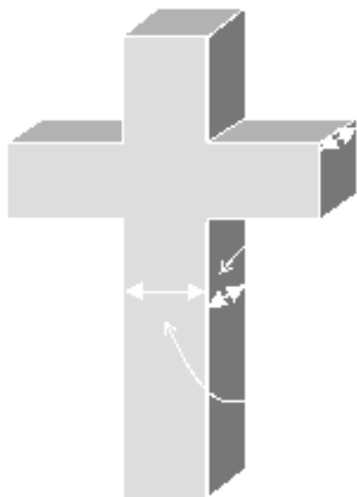


C5

5.3 Crosses

The height of a cross, measured from the ground level, should not exceed 1370mm (4'6") nor be less than 750mm (2'6"). The width should not exceed 600mm (2ft) or be less than 300mm (1ft). The thickness of the shafts and arms should not exceed 150mm (6") or be less than 50mm (2½").

1370mm (4' 6")
maximum
750mm (2' 6")
mimimum



A cross should stand on more than two steps. The step, or lower of the two steps, should measure no more than 600mm (2ft) in width and 300mm (1ft) from front to back.



The steps may be replaced by a boulder but the above measurements shown for the steps still apply.

Inscriptions

Inscriptions should be simple, reverent and appropriate. The purpose of the epitaph is to identify the resting place of the person's mortal remains, to honour the dead, to comfort the living and to inform posterity. The engraving should harmonise with the selected material. Inscriptions should be incised or may be in relief and may be picked out in black or gold. Flush raised lead is also permitted. Plastic or other applied lettering is not permitted. Hand-cut

[\[2\]](#)

lettering is encouraged. There are good examples in "The Churchyards Handbook" .

The name only of a mason or firm may be inscribed low down at the side or on the reverse of a headstone or cross in unpainted and unleaded letters not more than 13mm (½") in height.

Similarly, if the Parochial Church Council ("PCC") regulations require it, a plot number may be inscribed at the side or on the reverse of a headstone or cross.

Installation

To ensure that the memorial is properly and safely installed, it should only be installed by members of the National Association of Memorial Masons.

Flower Vases

If a flower vase is desired, it is best incorporated in the base of a headstone or cross. Separate vases should not be placed elsewhere in the grave space, except where there is no headstone or cross; then a fixed vase, in permitted stone material, not more than 300mm (12") high x 300mm (8") wide x 200mm (8") deep with a memorial inscription may be placed in the approximate position where the headstone would have been, had there been one.

Plastic and glass containers are not permitted as they are safety hazards.

Flowers

Fresh flowers are encouraged as the symbol of the gift of creation and the brevity of life. Bulbs are similarly encouraged as a symbol of resurrection. Artificial flowers are not appropriate and should be discouraged. The PCC may remove dead and artificial flowers to keep the graveyard tidy.

Planting of Graves

The grave should be kept level. The planting of flowering annual plants is to be encouraged as a further symbol of the gift of creation and the brevity of life. The planting of perennials, shrubs and bushes is not encouraged as they impede the maintenance of the churchyard.

Reservation of Gravespace

In exceptional circumstances, permission may be granted at the discretion of the Chancellor, who may be sparing in his granting of faculties for reserved gravespaces. Reservation is a privilege not a right. The PCC should pass a resolution and the applicant should apply for a faculty, paying the faculty fee. A contribution towards the funds of the PCC may also be required to meet expenses of maintenance and recording the reserved space. Reserved gravespaces should be marked with a stone and logged in the church records. The cost of the stone should be paid by the applicant. Reservation is for the individual named on the faculty and is not transferable. The reservation is granted for a period of time (with a maximum of 10 years). This is to try and ensure that if the person is buried elsewhere, the reservation lapses and the space may be used for another person.

Removal of a memorial stone

The removal of a memorial stone for the re-opening of a grave for further interment or its removal for repair, maintenance or inscription is permitted with the consent of the Parish Vestry. In all other cases a faculty is required. Memorials remain the property of the family.

Gardens of Remembrance

Introduction

Normally, cremated remains may only be buried in a part of the churchyard set aside for the interment of cremated remains or in an existing grave with the consent of the parish priest. In exceptional circumstances, the parish priest may allow interment in other parts of the churchyard if this is reasonably practical. To set up a Garden of Remembrance and to establish a regular practice, a faculty is needed (but see paragraph 3.7 for small parishes).

Interment

Cremated remains should be interred, either in a biodegradable container or poured into the ground and covered. Scattering or strewing of ashes is not permitted.

Commemoration

The methods of commemoration of the names of those whose cremated remains are interred in a Garden of Remembrance vary according to the details permitted by the faculty.

Memorial Stones

Where memorial stones, incorporating vases if desired, are permitted by the faculty, these may be introduced with the permission of the parish priest. The stone:

- should be of a material permitted for memorial stones under the Regulations (see paragraph 2.4 above); and
- should be of the same size (maximum 300mm x 300mm (12" x 12")), colour and material as other memorial stones in the same Garden of Remembrance and should respect the character of the same Garden of Remembrance as a whole;
- should be flush with the turf and should not be covered with Perspex or other protective material;
- should not be placed in churchyard walls.

Flowers

Fresh flowers are encouraged as the symbol of the gift of creation and the brevity of life. Bulbs are similarly encouraged as a symbol of resurrection. Artificial flowers are not appropriate and should be discouraged. The PCC may remove dead and artificial flowers to keep the graveyard tidy.

Removal of a memorial stone

The removal of a memorial stone for further interment or its removal for repair, maintenance or replacement of inscription is permitted with the consent of the Parish priest. In all other cases a faculty is required. Memorial stones remain the property of the family.

Archdeacon's Authority for small parishes

- the parish in which the churchyard is situated has less than 600 persons on its Roll; and
- the parish priest and the PCC both agree that an application be made to the Archdeacon under this regulation; and

- the parish priest and the PCC are able to satisfy the Archdeacon that the number of burials of cremated remains does not average more than three each year during the previous three years:

Archdeacon at his/her entire discretion may authorise a part of the churchyard to be set aside without the authority of a faculty.

Maintenance

The parish priest and the PCC have overall responsibility for issues relating to the care, maintenance and safety of churchyards. They have authority to make safe or lay flat leaning loose stones and memorials to make them safe. These obligations are limited by the funds for their disposal; hence the desirability of donations towards the upkeep of the churchyard. Families and friends are likewise encouraged to maintain their loved ones' graves and the memorials placed upon them.

The churchyard is a living sanctuary. In the bird song, scents and colours of the flowers is an [\[3\]](#)

affirmation of the continuity, vibrancy and resilience of life. The parish priest and the PCC should have due regard for the wide range of flora and fauna in most churchyards. They should develop mowing and maintenance policies that respect and encourage the diversity of wildlife to flourish. There is good advice in "The Churchyards Handbook"², which has a list of other useful addresses. Another good source of information is The Living Churchyard and Cemetery Project³.

Grave Trusts

In some cases, money has been left in trust for the maintenance of a grave and the PCC benefits from the income of this trust. It may have an obligation to maintain the grave and the memorial in accordance with the terms of the trust.

Discretionary Procedure

Proposals which fall outside the Regulations, but are not expressly prohibited, may be put forward for consideration as follows:

6.1 The parish priest should ask the proposer to complete the standard Diocesan form of application for permission to erect a memorial in a churchyard which should be completed showing accurate and detailed drawings and inscriptions of the proposed memorial as under paragraph 2.2 above.

6.2 The parish priest should then send this completed application to the DAC asking it to advise the Archdeacon on the proposals. The parish priest should also send a copy of the application to the Archdeacon.

6.3 When he/she has received the DAC's advice, the Archdeacon may, in an appropriate case, decide to authorise the parish priest to permit the memorial if the parish priest wishes to do so. Alternatively he/she may refer the matter for consideration to the Chancellor who will indicate that the parish priest may permit the

memorial if the parish priest so wishes, remit the matter to the Archdeacon for his/her decision, or direct that the applicant should petition for a faculty.

[1\]](#)

Memorials by Artists, Snape Priory, Snape, Suffolk, IP17 1SA – telephone 01728 688934.

[2\]](#)

The Churchyards Handbook, Church House Publishing – ISBN 0 7151 75831

[3\]](#)

The Living Churchyard and Cemetery Project, Arthur Rank Centre, National Agricultural Centre, Stoneleigh Park, Kenilworth, Warwickshire, CV8 2LZ.

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March 2004

ANNEX

THE CHURCHYARD REGULATIONS 2004

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[The Schedule](#)

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- [2. Crosses](#)
- [3. Horizontal Ledgers or Plaques](#)
- [4. Memorial Plaques](#)
- [5. Monuments adjacent to walls](#)
- [6. Inscriptions](#)
- [7. Flower Vases](#)
- [8. Materials](#)
- [9. Items not permitted](#)
- [10. Stonemason's name](#)

[Part 1 Interpretation and Application](#)

1.1 **In these Regulations** "Churchyard" includes any land consecrated for the interment of the remains of the dead, whether adjacent to a Church or not.

1.2 **The powers** conferred by these Regulations on an Incumbent may be exercised during any vacancy or where there is no Incumbent by the Priest-in-Charge or Team Vicar (as the case may be). In any benefice where there is no Incumbent, Priest-in-Charge or Team Vicar, the powers may be exercised by the Rural Dean. They may not be exercised by Churchwardens or Sequestrators.

1.3 **These Regulations** apply throughout the diocese of St Albans.

1.4 **All work** should be in accordance with these Regulations and any Guide for the time being approved by the Chancellor ("the Guide"). In case of any doubt these Regulations shall prevail.

[Part 2 Churchyard Management](#)

2.1 **The Parochial Church Council** ("PCC") is responsible under the

Parochial Church Councils (Powers) Measure, 1956, for the care and maintenance of the Churchyard including its safety and appearance.

2.2 **The Incumbent and PCC** must maintain an up to date plan of the Churchyard.

2.3 **The introduction, renewal, removal, or alteration** of any tombstone or other monument must be dealt with in accordance with Part 3 of these Regulations.

2.4 **The existence in Churchyards** of tombstones or monuments which do not comply with the terms of these Regulations is not to be regarded as a precedent.

Part 3 Tombstones, Monuments, Cremated Remains and Reservations

3.1 **No tombstone or other monument** may be introduced, renewed, removed or altered without first obtaining permission. Applications are made in a prescribed form obtainable from the Incumbent or Diocesan Registry (Holywell Lodge, 41 Holywell Hill, St Albans, AL1 1HD; telephone: 01727 865765). The application shall show full particulars of the monument itself, of its materials, measurements, shape, colour, design, decoration and base, and the relationship of each part to the level of the ground. It shall also show full particulars of any inscription proposed, including the type, text, colour, style and size of the lettering.

3.2 **The Incumbent** has powers delegated to him or her by the Chancellor. These powers allow the Incumbent to give permission for a period of up to 100 years for any tombstone or monument which complies with the provisions in the Schedule so long as the relatives of the deceased maintain the tombstone and monument in good repair. If the Incumbent has power to authorise the proposed monument and sees fit to do so, then such authorisation shall be given in the prescribed form. If the application is not within the Incumbent's power to grant, or the Incumbent does not think fit to grant it, then the applicant shall be informed of this decision (and of his right to petition for a faculty authorising the proposed monument) in the form prescribed.

3.3 **The Archdeacon** has power (outside the incumbent's powers and according to instructions given or delegated to him or her by the Chancellor) to permit an individually designed monument which is of artistic merit and in order to encourage variety and the improvement of aesthetic standards.

3.4 **The Chancellor** has power to allow by faculty the introduction of any

kind of tombstone or other monument into a Churchyard. Statutory fees are payable at the time of applying for a faculty. Full details are obtainable from the Diocesan Registry.

3.5 An area or Garden of Remembrance may be set aside in a Churchyard exclusively for the burial of cremated remains with permission. In seeking permission for such an area the PCC should first consult the Archdeacon. A faculty may be necessary. Memorial plaques must comply with the provisions in the Schedule. Except by the authority of a faculty no other monument or any vase shall be introduced into such an area.

3.6 Ashes after cremation must not be scattered or strewn but shall be buried in a suitable perishable or biodegradable container or poured into the ground and covered.

3.7 The Archdeacon may authorise a part of the Churchyard to be set aside without the authority of a faculty in accordance with the Guide.

3.8 Permission for a reservation of a gravespace may be made in accordance with the practice set out in the Guide.

[The Schedule](#)

1. **Headstones** shall not exceed 1200mm (4ft) in height, measured from the ground level, 900mm (3ft) in width and 150mm (6") in thickness. They shall not be less than 600mm (2ft) high, 500mm (1'8") wide and 65mm (2½") thick (unless slate is used, in which case they shall not be less than 50mm (2") thick). Responsibility for the safety and stability of the headstone rests with the monumental mason. Headstones may be of three types:

- so shaped that they can be inserted directly into the ground at sufficient depth to ensure stability
- on an integral base no more than 900mm (3ft) wide or projecting more than 100mm (4") in any direction and not more than 225mm (9") high
- on a vase base not more than 900mm (3ft) wide or projecting more than 100mm (4") on either side or projecting more than 175mm (7") in front of the headstone or more than 100mm (4") high. The base shall not be more than 375mm (1'3") overall from front to back.

2. **Crosses.** The height of a cross, measured from the ground level, shall not exceed 1370mm (4'6") nor be less than 750mm (2'6"). The width shall not exceed 600mm (2ft) or be less than 300mm (1ft). The thickness of the shafts and arms shall not exceed 150mm (6") or be less than 65mm (2½"). No cross should stand on more than two steps. The step, or lower of the two steps, shall measure no more than 600mm (2ft) in width and 300mm (1ft)

from front to back. The steps may be replaced by a boulder but the above measurements shown for the steps still apply. The height of a cross is to be calculated inclusive of the height of any steps.

3. **Horizontal Ledgers or Plaques** (over burials) are not permitted as these impede the maintenance of the Churchyard.
4. **Memorial Plaques** (over cremated remains) shall be flush with the turf and measure not more than 300 mm (12") by 300 mm (12").
5. **No monument** shall be placed in Churchyard walls or within 1220 mm (4ft) of any outer wall of any part of the church.
6. **Inscription** or other simple decoration of a cross, ledger, plaque or headstone of normally permitted shape may be allowed by the Incumbent.
7. **Flower Vases.** Separate vases shall not be placed elsewhere in the grave space other than as permitted above, except where there is no headstone or cross; then a fixed vase, in permitted stone material, not more than 300mm (12") high x 200mm (8") wide x 200mm (8") deep with a memorial inscription may be placed in the approximate position where the headstone would have been, had there been one.
8. **Monuments and memorials** shall be of natural stone (including sandstone, limestone, slates and granite) and non-reflective or of oak. No monument shall be of black or pearl granite, of all-polished granite of whatever colour, of white marble, synthetic stone, or of plastic.
9. **No monument** shall be of or include any columbaria, raised curbs, railings, ledgers, plain or coloured chippings, statuary or stones in the shape of hearts, figures, open books, sun dials or bird baths, photographs, portraits or other similar mementoes.
10. **No advertisement or trade mark** shall be inscribed on the monument, but the name of the mason or firm may be inscribed low down at the side or reverse of a headstone or cross in unpainted and unleaded letters not more than 13 mm (½") in height.

This Guide and The Churchyard Regulations 2004 were approved by the Chancellor of the Diocese on 23rd March 2004 following consultation with the Diocesan Advisory Committee on 17th July 2003 and 15th January 2004

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March 2004

CHURCHYARDS – NEW LAND FOR BURIALS AND CLOSURE OF EXISTING BURIAL GROUNDS

[New Land for Burials](#)

[Closure of an existing churchyard](#)

[Annex 1: Maintenance of Old Burial Grounds](#)

- [Part A \(powers of local authorities relating to old burial grounds\)](#)
- [Part B \(applicable to churchyards only: grounds for transfer of responsibility to local authority\)](#)

[Annex 2: Notes on Closing Orders for Churchyards](#)

[Annex 3: Liability for Maintenance of Closed Churchyards](#)

[New Land for Burials](#)

1. Where the existing churchyard is becoming full, it is the responsibility of the local authority to make new provision for burials. However, it may be helpful for the PCC to take an active role and if appropriate to initiate discussion with the local authority, in order to assist the local authority in making new provision for burials within the parish rather than further away. In some cases the PCC may be able to identify land which the local authority might acquire as an addition to the churchyard, or the local authority might itself be aware of such land.
2. New land would need to be checked by a local undertaker to ensure it is suitable for burying in and does not lie below the water table. Once local consultations and check have been completed, a legal process needs to be followed leading to the transfer of the land to Church ownership (churchyard land legally vests in the incumbent for the time being) and to its consecration.
3. If there is a proposal to provide new land for burials as an addition to the churchyard, or as a detached churchyard, please contact the Archdeacon and the Diocesan Registrar for advice about the procedure to be followed.

[Closure of an existing churchyard](#)

1. If a churchyard no longer has space (except in family graves) for further burials, and the parish has notified the local authority of the need to make new provision for burials in the local area, it may be appropriate to make more formal provision for closing the churchyard and for its future maintenance. In such circumstances you may find it helpful to refer to the enclosed guidance documents issued originally by the Department of the Environment (Annex 1 and Annex 2) and by the General Synod Office (Annex 3). Please note that the functions previously carried out by the Department of the Environment in relation to burial grounds are currently

exercised by the Ministry of Justice.

2. The relevant Ministry of Justice team is based at:
Burials Team
Steel House
11 Tothill Street
LONDON, SW1H 9LJ
Tel: 020 7210 0066
www.justice.gov.uk

3. **Annex 1** gives guidance on the Maintenance of Old Burial Grounds generally (including both those formally closed by Order in Council and those which are not), while **Annex 2** offers Notes on Closing Orders for Churchyards. **Annex 3** emphasises the importance of giving due notice to a local authority if it is proposed to transfer responsibility for maintenance of a closed churchyard to the local authority. A good source for further information on all these matters is The Churchyards Handbook, published by Church House publishing and available from the Diocesan Resources Centre.

May 2006

Annex 1

Maintenance of Old Burial Grounds

[L120 (1974) Department of the Environment]

1. The notes in Part A below summarise the statutory powers available to local authorities under which they may assist or take responsibility for the maintenance of old burial grounds. The exercise of the powers is at the discretion of local authorities and entirely a matter for agreement between individual authorities and the owners of the burial grounds. Authorities with definite proposals under consideration will of course need to consult the actual text of the Acts.
2. Part B is applicable to churchyards only and sets out the circumstances in which the responsibility for maintenance can be automatically transferred to local authorities.

Part A

3. Local Government Act 1972 - financial contributions

Under section 214 (6) of the Local Government Act 1972 a burial authority may contribute towards any expenses incurred by any other person in providing or maintaining a cemetery in which the inhabitants of the authority's area may be buried.

4. Open Spaces Act 1906 - care, management and control

Under section 9 of the Open Spaces Act 1906 all local authorities (i.e. county councils, London boroughs, district and parish councils) may either

(a) acquire by agreement, with or without payment, the freehold of or more limited interests in, or

(b) undertake the entire or partial care, management or control of any burial ground whether in use or partly or wholly disused. By section 10 the ground would be for use in trust by the public as open space and the local authority would have power to lay it out and improve it (but see below as to the removal of tombstones and monuments).

5. The powers of the 1906 Act are not given to a local authority as a burial authority. In the Department's view if a local authority undertake

(a) only partial care, management and control, this may be compatible with the continuance of burials by the owners of the burial ground:

(b) the entire care, management and control of a burial ground, burials should cease unless in the exercise of acquired rights.

Section 13 protects rights of a profitable or beneficial nature which, the Department are advised, include acquired rights of burial. It would be open to a local authority to resolve under their powers (in section 9) for the management and control of the burial ground that burials should cease entirely, but then compensation would be payable under section 13 for the extinguishment of existing rights.

6. A local authority cannot exercise any powers of management under the 1906 Act in relation to consecrated ground without the bishop's prior authorisation (section 11 (1)).

7. Section 11 (3) permits the removal of tombstones and monuments in a *disused* burial ground only (i.e. one no longer used for interments whether or not the ground has been partially or wholly closed for burials under the provisions of a statute or an order in council). If the ground is consecrated a licence or faculty must first be obtained from the bishop (section 11 (4)). The local authority, at least three months before moving any tombstones or monuments, must prepare and deposit for public inspection a statement of the names and dates on the tombstones to be moved; give notice of the proposals at least three times in a local newspaper and to any person known or believed to be a near relative of a person commemorated on the tombstone; and place a notice of the proposals on the door of any church attached to the burial ground.

8. The playing of any games or sports must have the prior authorisation of the bishop if the ground is consecrated or of the owner or former owner if the ground is not consecrated (section 11 (2)).

Part B

Churchyards of England

Local Government Act 1972 Section 215

9. Section 215 (1) of the Local Government Act 1972 provides that where

an Order in Council has been issued for the discontinuance of burials in a churchyard the parochial church council shall maintain such churchyard in decent order and its walls and fences in good repair.

10. Section 215 (2) provides that a parochial church council which is liable to maintain a churchyard closed by an Order in Council, may: -

(a) if the churchyard is in a parish having a separate parish council, serve a written request on that council to take over the maintenance of the churchyard;

(b) if the churchyard is in a parish not having a separate parish council, serve such a request on the chairman of the parish meeting; or

(c) if the churchyard is in England elsewhere than the City and the Temples and is not in any parish, serve such a request on the council or district or London borough in which the churchyard is situated;

and subject to what is said in paragraph 11 below, the maintenance of the churchyard shall be taken over by the authority on whom the request is served or the parish meeting as, the case may be, three months after service of the request.

11. If a request is served on a parish council or the chairman of a parish meeting and, if that council or meeting so resolve and, before the expiration of the said three months, give written notice of the resolution to the council of the district and to the parochial church council maintaining the churchyard, the council of the district and not the parish or community council or parish meeting, are required to take over the maintenance of the churchyard at the expiration of the said three months.

12. A parochial church council therefore continues to be responsible for the maintenance of a churchyard after it has been closed by an Order in Council but where they serve a written request on the local authority or parish meeting their obligations in the matter are automatically transferred to the authority or meeting three months after service of the request. A parish council or a parish meeting have the option, however, of transferring the responsibility for maintenance to the district council provided that they resolve to do so and give written notice of their resolution to the district council and to the parochial church council before the three months have expired.

September 2007

[Annex 2](#)

[Notes on Closing Orders for Churchyards](#)

[L121 Department of the Environment]

1. A closing order is an Order made by Her Majesty in Council under section 1 of the Burial Act 1853 at the request of the Secretary of State for the Environment [*now Justice*] requiring the discontinuance of burials. The Order may relate to the whole or part of a churchyard and may make provision for exceptions to allow some further burials in appropriate circumstances. It would not be appropriate for such orders to be made for churchyards where burials have already ceased.

2. The usual provision for exceptions takes the form of one or more of the following clauses: -

- (a) existing walled graves or vaults which have room for further interments, provided that each coffin is adequately enclosed by brickwork or stone-work;
- (b) existing family (earthen) graves which have sufficient space for further interments, provided that the top of each coffin is at least 3 ft below the normal level of the ground;
- (c) any unused (earthen) grave space which has been reserved, subject to the condition that the top of each coffin is at least 3 ft below the normal level of the ground.

3. **Grounds for closure**

Until recently, the Department were, in general, prepared to seek a closing order only where there was a public health risk. The reference to public health in section 1 of the Burial Act 1853 has been repealed by the Local Government Act 1972. With the agreement of the Privy Council Office, the church authorities and the local authority associations, the Department are now prepared to seek a closing order on any of the following grounds: -

- (a) that further burials would constitute a public health risk
- (b) that further burials would be contrary to decency
- (c) that burials should be discontinued for the prevention or mitigation of nuisance
- (d) that there is no proper room for new graves

4. **Applications**

An application for a closing order should be made by letter to this Department and should set out the full grounds for closure (see paragraph 3) together with any supporting information. Applications are usually made by the Incumbent or the Secretary of the Parochial Church Council.

5. **Consultation with local authorities**

The Department will write to the appropriate parish or district council, or both, as necessary for their observations on the application.

6. **Further information**

If the Department consider the case should proceed, the church authorities will be asked for information to enable the question of any exceptions to be considered.

7. Publicity

When any proposed exceptions have been considered, the applicant (i.e. usually the church authorities) will be asked to give public notice of the proposed closing order by placing an advertisement in a local newspaper. A draft notice will be supplied by the Department. There will be an opportunity for representations to be made direct to the Department at this stage.

8. Objections

Copies of any objections received by the Department will be passed to all the interested parties for consideration. In many cases individual objections can be met by proposing exceptions or further exceptions to the order where this course is acceptable to the church authorities and the local public health authority.

9. Notice of the Department's intention to apply to the Privy Council

If there are no objections, or if all objections have been resolved, the Department will give 10 days' notice (as required by statute) to the church authorities of their intention to seek a closing order.

10. Consideration by the Privy Council

After the notice mentioned in the previous paragraph has expired, the Department will make application to the Privy Council Office for a closing order. The Privy Council Office will publish in the London Gazette notice of the date on which Her Majesty in Council has ordered the application to be considered, and will send to the church authorities copies of the notice. A copy of the notice is also sent to the local authorities concerned. The notices are required to be posted by the church authorities on church or chapel doors or on other conspicuous places in the parish concerned for at least one month before the date for consideration named in the notice. If the Privy Council approves the application they will in due course advise Her Majesty to make a closing order, copies of which will be sent to the local church and civil authorities.

Burials Team
Ministry of Justice
Steel House
11 Tothill Street
LONDON
SW1H 9LJ

Tel: 020 7210 0066
www.justice.gov.uk

September 2007

Annex 3

Liability For Maintenance Of Closed Churchyards **[General Synod Office September 1981]**

This note relates to paragraph 10 of Annex 1 above.

1. You will be aware that under S.215 of the Local Government Act 1972, it is possible for a Parochial Church Council to transfer the responsibility for maintenance of a churchyard, which has been closed by Order in Council, to the Local Authority on giving three months' notice.
2. Especially where extensive repairs are required to the churchyard this short notice can cause difficulties for the Local Authority's budget.
3. As a result of Parliamentary Questions, discussions have been held with the Department of the Environment and with the Association of District Councils and the National Association of Local Councils as to a possible solution to the problem. As far as this office is concerned we would wish to avoid any amendment of S.215.
4. I therefore write to ask you if you would (a) inform Parochial Church Councils in your Diocese of the problem and (b) would request any such Council with a closed churchyard that, in future, the practice should be to give twelve months' informal notice to the Local Authority of any intention on the part of the Council to serve the three months' statutory notice laid down in S.215 of the 1972 Act. By this means a Local Authority would have 15 months' notice of transfer and adequate provision could then be made in the budget for the ensuing financial year.

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May 2006

GIFTS FOR USE IN CHURCHES: ARCHDEACONS' DIRECTIONS

From time to time benefactors wish to make gifts to parish churches such as furniture, ornaments, fittings or other objects of use or embellishment. Sometimes incumbents and PCCs are placed in a difficult and embarrassing position when a donor offers a gift, already purchased (perhaps at considerable cost), or object which is itself of value and may possess artistic merit, but is entirely unsuitable for that particular church building or where there may be no appropriate place in which to put it.

To save incumbents and PCCs from appearing discourteous or insensitive in refusing such gifts, it should be clearly understood by all, and explained to intending donors at the outset, that nothing may be introduced into a church without proper authority. This means a faculty must be obtained before the introduction of any gift, except where the item is covered by the de minimis rules (Handbook Section C4a and C4b). Not only should a donor consult with the incumbent, therefore, but also approach the Secretary of the DAC to ascertain whether the proposal is likely to receive the committee's recommendation for approval to the Chancellor. If, of course, the proposed gift is already one which is acceptable and would be welcomed by the PCC, the Faculty Petition may be sought by the incumbent and churchwardens in the usual way; in which case no fee would be payable.

RECORDING GIFTS TO CHURCHES

1. Any gift to the church received in accordance with the laid down procedure should be entered in the Log Book and the Inventory of the church.
2. It has long been the practice of the DAC to discourage the proliferation in churches of small plaques commemorating gifts given in memory of a deceased loved one or past member of the church. A satisfactory alternative may often be a well presented Book of Gifts in which these are recorded in much the same way as in a Book of Remembrance. If such a book were to be displayed in a specially designed case, a faculty would be required.
3. In some instances it is possible for the commemoration to be incorporated into the object given, either by carving or by a tasteful and worthy plaque.
4. The Archdeacons draw your attention to the Eartham Judgement in the Court of Arches in 1981, which states that a faculty for a wall plaque can be granted only in very exceptional cases such as outstanding service to church, country or mankind, or a desire to record some important aspect of local or

national history. The burden of showing that the case is exceptional rests on the Petitioners, and even where such exceptional circumstances exist, incumbents and registrars have the duty of warning the Petitioners that a faculty will not be granted as a matter of course.

Any question concerning these matters should be discussed with the Archdeacon as soon as it arises.

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August 2006

THE APPOINTMENT OF PROFESSIONAL ADVISERS

The inspection of churches

How do we find a new professional adviser?

What if we want to appoint someone who is not on the DAC's list?

What should we consider in choosing someone to inspect the church?

Do we appoint the firm or the individual?

Can we appoint a member of our congregation?

General professional services

How much will it cost us?

What about starting each piece of work?

What happens if something goes wrong?

Is it any different for larger projects?

Summary

All Parochial Church Councils (PCCs) will employ professional advisers such as architects or surveyors at some time, if only for the quinquennial (5- yearly) inspection. It is important that a good relationship exists between the PCC and its professional adviser, and that each understands clearly the responsibilities on both sides. This leaflet is intended to explain those responsibilities and the legal framework in which the employment of professional advisers is set.

THE INSPECTION OF CHURCHES

Under the Inspection of Churches Measure 1955, as amended by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, all consecrated buildings of the Church of England must be inspected once in every five years by a chartered architect or chartered building surveyor (the "professional adviser") who is approved by the Diocesan Advisory Committee (DAC). In this diocese the professional adviser is employed by the PCC after approval by the DAC. It is usually expected that the professional adviser appointed for the Quinquennial will be retained to undertake the repairs. You should treat him/her as a trusted adviser, even seeking his/her advice for projects where you seek to use a specialist consultant such as heating or lighting when you may not be using his/her particular expertise.

How do we find a new professional adviser?

A proposal by your PCC to appoint a new professional adviser must be approved by the DAC. To help you, the DAC holds a list of architects and surveyors who, in general, are suitable to carry out inspections, and a selection of 5 or 6 of the names can be made available. You are free to ask for a further selection if needed. A

proposal by your PCC to appoint a new professional adviser will be considered at the next DAC meeting. If the Committee has any concerns about suitability because of the particular circumstances, then it may suggest that you look at alternative candidates.

What if we want to appoint someone who is not on the DAC's list?

You should inform the DAC Secretary, who will send the person a questionnaire about his/her professional interests and skills. This may result in an interview with the DAC Sub-Committee. If the candidate's name is then added to the list, he/she and you will be notified and you will then be free to apply to the DAC for approval in the normal way.

What should we consider in choosing someone to inspect the church?

1. The person must be suitably qualified and experienced on buildings similar to yours.
2. The person should be sympathetic to your particular building and to the needs and vision of the parish.
3. You should invite several potential advisers to visit the church and meet with members of the PCC or fabric sub-committee - a good working relationship needs to develop between them and the adviser.
4. Travelling expenses also need to be agreed, which may mitigate against using someone from a distance but this is up to the individual PCC.
5. All fees should be agreed in advance and in writing.
6. All professionals have their professional codes of conduct, and carry professional indemnity insurance but it is wise to seek confirmation of this.

Do we appoint the firm or the individual?

You appoint a professional adviser as an individual. The appointment is not automatically transferred to another member of the practice if the named person retires or leaves. Your PCC may wish to appoint another partner if that person also has the necessary skills, but the new appointment must be approved by the DAC in the usual way. If the professional adviser works on his/her own, the PCC should satisfy itself that this would not be a disadvantage in terms of support services. The appointed person will, however, be at liberty to rely on their colleagues within their office, which may be advantageous to the parish in many ways. Note that if you are seeking grant assistance from English Heritage for the works, you will need to appoint an adviser who is accredited for building conservation works by either the AABC or the RICS accreditation schemes.

Can we appoint a member of our congregation?

You can, and this may have the advantage that the person has a particular interest in and concern for the building. However, such a close relationship often runs into difficulties. A difference of opinion may arise, or pastoral needs may interfere with what would be in the best interest of the fabric of the building. Therefore, the DAC does not recommend the appointment of a closely involved person either as inspecting adviser or to undertake a major project. If the PCC nevertheless decides to do

so, then it should at least ensure that the scope and terms of the appointment are clearly set out in writing and that the work is covered by normal Professional Indemnity Insurance.

GENERAL PROFESSIONAL SERVICES

So far, this leaflet has concentrated the adviser's role in carrying out quinquennial inspections. This is the only work for which a PCC must by law employ an adviser approved by the DAC. The approvals mechanism for works to church build-ings is the faculty procedure, which checks the *proposals* rather than the *adviser*. In most cases, the professional adviser will also be commissioned by the PCC for repair work arising from the inspection report, and advisers are frequently involved in all matters concerning the building, including maintenance, reordering and new work. However, PCC's and professional advisers should be aware that the PCC is free to seek professional advice from whatever source it chooses. If the inspecting ad-viser is not to be employed for a particular project, the PCC should of course inform him/her of its proposals. In these cases, the DAC may ask for assurance that the inspecting adviser, as the person perhaps most familiar with the needs of the build-ing, is happy with the PCC's proposals in order to fulfill a long term watching brief which comes with the appointment to do with the inspection.

How much will it cost us?

In this diocese, fees for quinquennial inspections are a matter for negotiation between the PCC and its professional adviser, but you may find the following guide-lines helpful:

1. Fees may be agreed either on a one-off basis, or as a 'retainer' payable each year, including the cost of the inspection as well as general advice. Find out what kind of advice will be included without additional fees being payable.
2. The fee will normally reflect the time it takes to carry out the inspection and write the report (i.e. longer for a large church or a newly appointed adviser).
3. the PCC should ask that the fee for carrying out the quinquennial inspection includes a meeting at which the adviser presents his/her report to the PCC.

Fees for other work are also a matter for negotiation. They will be based on a per-centage of the value of the project, or charged on a time basis, or a lump sum. Architects and survey-ors are professional people whose practices may be concerned solely with church work and they should not be expected to carry out work on churches for reduced fees.

What about starting each piece of work?

To avoid difficulties later, it is important that for each piece of work the instructions to your professional adviser are always given in writing. All instructions should be agreed by the full PCC, unless they relate to matters which have been delegated to a fabric sub-committee. Your PCC should put in place a clear procedure which can be followed where works need to be carried out urgently, and it is helpful to have one point of contact between the PCC and the adviser to avoid the giving of conflicting instructions or information.

What happens if something goes wrong?

Experience shows that it is usually better to try and maintain a long term arrangement with an adviser than to change frequently. This avoids the risk of costly changes in repair philosophy, and leads to commitment to the aims of the church. Advisers will be much happier to do small works on a limited fee if they know that other works will enable them to recover their costs. Many advisers become committed to the building they look after, and care needs to be exercised in the termination of an agreement. We recommend that all steps be taken to come to a resolution before terminating a professional relationship, even though confrontation may be in hand for the parish. All parties should feel that justice has been done if this works out well. Remember they are human beings too, and many have their own commitment to a personal faith.

Is it any different for larger projects?

Where your PCC is considering a major building or repair project, it is especially important that your professional advisers for that project are (a) selected with care, (b) clearly and fully briefed and (c) working to clearly defined and agreed scales of fees and stages of work. Remember that if a project is abandoned for any reason, the professional advisers are still entitled to fees for all work already carried out on the PCC's instructions. The DAC has produced a separate guidance leaflet on this sub-ject.

Summary

1. Every church must be inspected once in every five years and the appointment of an architect or surveyor for this purpose must be approved by the DAC.
2. For other professional advice services, including repairs, reordering and design of new buildings, the PCC may appoint any professional adviser.
3. The person chosen to give general advice and to undertake specific projects should be carefully selected and properly briefed by the PCC.
4. Fees should be negotiated and agreed in writing before any work is undertaken.
5. In the interests of a good professional relationship between adviser and PCC, the appointment of a member of the congregation is not usually to be recommended.
6. Particular care should be taken in the selection and briefing of a professional adviser who is to undertake a major repair or construction project.
7. Care should be taken to ensure a lasting relationship if at all possible.

Further reading

A Guide to Church Inspection and Repair (CCC 1995) gives more detailed advice on the quinquennial inspection and the appointment of a professional adviser, and is recommended reading.

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THE DIOCESAN SCHEME FOR THE INSPECTION OF CHURCHES

[*What does the inspection entail?*](#)

[*What happens after the inspection?*](#)

[*How much should we expect to pay for the report?*](#)

[*What will the report tell us?*](#)

[*Works arising from the report*](#)

[*Keeping an eye on the building between inspections*](#)

[*Outline format of the quinquennial report*](#)

The Inspection of Churches Measure 1955 requires every church to be inspected on a five year cycle by an approved architect or building surveyor, who will report on the condition of the building and recommend any works required. The Secretary of the Diocesan Advisory Committee (DAC) oversees the timing of inspections and keeps a register of buildings in this Scheme.

What does the inspection entail?

The inspection is visual, made from ground level, ladders and any accessible vantage points. Only selected areas are examined in detail; parts of the structure, which are inaccessible, enclosed, or covered, need not normally be opened up unless specifically requested. The inspection includes so far as practicable all features of the building, and covers all aspects of conservation and repair but does not include organs, for which a separate system now exists. The Parochial Church Council should provide ladders and attendance as necessary in accordance with the Health and Safety at Work Act, 1974. The architect or surveyor will recommend what is required to complete the survey, including any uncovering of concealed spaces which is considered prudent, subject to the obtaining of any necessary authority.

What happens after that?

Within one month, the architect or surveyor will send reports to the Parochial Church Council, to the incumbent, and to the DAC's archaeological adviser. Two copies will also sent to the Secretary of the DAC, who will forward one to the relevant Archdeacon. A further copy will be retained by the architect or surveyor.

How much should we expect to pay for the report?

As the architect's or surveyor's fees for an inspection, together with reasonable expenses, are paid by the Parochial Church Council, the basis should be agreed between the parties *before* it takes place and should have regard to the Conditions of Engagement laid down by the relevant professional body. The Parochial Church Council should ask for an estimate of the total cost for the inspection, including the preparation of the report and the visit to present it to the PCC, before it is carried out.

[*What will the report tell us?*](#)

The report and recommendations will be set out as on pages 3 & 4. It will indicate, by a

number in the right hand margin, the priority of recommended repairs:

- Category 1: of utmost urgency
- Category 2: essential within the next 18 months
- Category 3: essential within the next 5 years
- Category 4: within the next 10 years
- Category 5: items of routine maintenance
- Category 6: items requiring specialist advice

The report will also summarize the recommendations in order of priority and suggest a feasible timescale within which necessary works might be tackled. A separate report, confidential to the churchwardens, should identify any particular article (include a moveable article) which is considered to be:

- i) of outstanding architectural, artistic, historical or archaeological value; or
- ii) of significant monetary value; or
- iii) at special risk of being stolen or damaged.

So can we get straight on?

The report is *not* a specification for repairs and will be written as simply as possible to allow you an easy overview of the situation. So before proceeding with any of the work other than routine maintenance, you should obtain a proper specification from your professional adviser. If this is acceptable to the PCC, it should be sent for consideration by the Diocesan Advisory Committee. In giving their response, the Advisory Committee will indicate whether a faculty or some less formal authority is required for the work. You can find out more about this from the DAC's leaflets - Schedules A & B. If appropriate, a faculty petition form will be sent to the applicant, together with further instructions as to how to proceed. When completed, the petition and supporting papers should be sent to the Diocesan Registrar.

Is that the whole story?

Not necessarily! Serious trouble can develop between quinquennial surveys if minor defects are left unattended. Therefore, the law also requires the churchwardens to inspect or cause a careful inspection of the fabric to be made once a year and to report on this to the PCC meeting before the APCM. If agreed, the report then goes to the APCM itself. It is strongly recommended that the churchwardens should arrange for immediate attention to such minor matters as displaced slates and leaking pipes.

Further reading

The Council for the Care of Churches publishes: 'A Guide to Church Inspection and Repair' available from Diocesan Resource Centre, tel: 01727 818158
e-mail: resources@stalbans.anglican.org

OUTLINE FORMAT OF THE QUINQUENNIAL REPORT

1. Summary of works carried out since last inspection
(This information will be compiled with the help of the PCC)
2. General Condition of the fabric
3. Outside walls, (including masonry of windows and doors, but excluding tower and/or spire) with notes on foundations, buttresses, stability, dampness etc.
4. Windows, Glazing and Ventilation
5. Tower and Spire
6. Roofs, including coverings, structures and ceilings but excluding tower
7. Lightning Conductor (date of last test and result)

8. Rainwater gutters, downpipes, and surface water drainage systems
9. Bells, Bellframe & Clock
10. Internal walls
11. Internal partitions, screens, doors, plaster and decorative state
12. Floors and galleries
13. Furniture and fittings, including pews and other seating
14. Monuments, brasses, etc.
15. Heating System
 - i) Date of last service
 - ii) Boiler
 - iii) Flue
 - iv) Fuel storage
 - v) Safety
 - vi) Efficiency
 - vii) Insulation
16. Electrical System (lighting and power) (include date of last test)
17. External iron and wood, including condition of paintwork
18. Fire Precautions
 - i) Number, type and location of fire extinguishers
 - ii) Is there a fire plan?
 - iii) Has the Fire Prevention Officer approved it?
 - iv) General
19. Sanitary Facilities and Foul Drainage
20. Churchyard, including boundary walls, fences, gates, paths, trees and any monuments or memorials that are of special merit.
21. Tree Preservation Orders
22. Recommendations as to steps to be taken for the general care of the buildings and its contents.
23. Recommendations to meet Disability Discrimination Act requirements (* New section)
24. Recommendations for grants from outside sources
(separate confidential report to churchwardens)
25. Security
 - i) Can outside doors be securely locked, and how?
 - ii) Can vestry door be locked, and how?
 - iii) What is the condition of the vestry safe?
 - iv) General security of the building and contents.

Appendix 1.

Priority summary list of recommended repairs and timescale.

Appendix 2.

Key plan of church. (This is helpful for orientation within the text)

Date of report

Signature of architect or surveyor

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April 2005

PAROCHIAL REGISTERS AND RECORDS

Introduction

Parish Records: How to deal with them

1. What are parish records?
2. Who is legally responsible for these records?
3. How can the records best be presented?
4. If you deposit your early documents in the Diocesan Record Office
5. If you keep your early documents in the parish
6. Care for all documents in the parish
 - (a) Storage
 - (b) Making documents available
 - (c) Security
7. Making Records
8. Transcription and copying
9. Listing and inspection under the Parochial Registers and Records Measure 1978
10. Protection and repair of documents

Notes

Introduction

Of all the treasures that the church has inherited from the past, parish records are perhaps the least spectacular. Their importance, however, is undeniable. History shows that workaday and fragile records are easily neglected, and there have been losses through decay or wanton destruction - some in fairly recent times - in a number of parishes in this Diocese. The 1978 Parochial Registers and Records Measure was introduced to encourage us to take stock of our archival heritage and make effective provision for its preservation. Today's Church is in the midst of challenging changes, and it is no less important that we should leave a record of contemporary concerns for future generations. We therefore have a duty to preserve carefully all our records - past and present - in order that they may continue to be available to those interested in local history and genealogy as well as to lecturers and students from schools, universities and other research institutions. The initial survey work under the Measure has been completed, and these notes have been compiled to remind clergy and churchwardens of the background to the subsequent quinquennial inspections and to help them to look after their records generally.

PARISH RECORDS: How to deal with them

Parish records are like the fabric of the church, not property at our own disposal but entrusted to us for transmission unharmed and undiminished to our successors. It is important that we take the best measures we can to preserve our trust.

1. What are parish records?

Registers of baptisms, marriages and burials which may begin as early as 1538; of banns which date from 1754 and more recently of preachers, services and confirmations.

Parochial records of two kinds:

Ecclesiastical concerned with churchwardens, church fabric (faculties, plans, specifications), tithes, glebe, ecclesiastical charities, National Schools, and also the modern vestry minutes, modern p.c.c. minutes and accounts, letters, terriers, photographs and files of parish magazines. If in doubt as to what papers should be kept, consult the Diocesan Record Office, which is the County Record office for your county.

Civil concerned with the old Poor Law, highways, parish constable, vestry, local charities, town estates, Enclosure Awards and censuses.

2. Who is legally responsible for these records?

Registers and ecclesiastical parochial records are the joint concern of the incumbent and the p.c.c. The registers belong to the p.c.c., but are in the custody of the incumbent for the time being, and of the churchwardens during a vacancy.

Civil parish records are the concern of the civil parish, and of the bodies which have taken over the functions of the old Overseers of the Poor and Surveyors of the Highways. The civil parish is entitled to request their deposit in a local record office (see Note (i)).

3. How can the records best be presented?

You may arrange their deposit in the Diocesan Record Office. In this Diocese the Hertfordshire and Bedfordshire County Record Offices are designated as Diocesan Record Offices for their respective archdeaconries. In a record office they will be:

- cared for physically

- guarded against loss
- made available under proper supervision to all searchers

OR

You may keep them in the parish. If you do this they must be secured against theft, loss, fire, flood, rust, damp, vermin, lack of ventilation, defacement, and damage in handling.

4. If you deposit your early documents in the Diocesan Record Office

(a) The Parochial Registers and Records Measure 1978 makes provision for all registers and records more than a hundred years old to be deposited in the Diocesan Record Office. However, you may well wish to arrange for the deposit of all your non-current records.

(b) Your more recent parish registers, and also other documents less than a hundred years old remaining in parochial custody and not in current use, must be kept under the following conditions:

- They must be kept in the church, the official place of custody, in a dry, well-ventilated place.
- A roomy, ventilated, rustproofed metal cupboard with a secure lock is a suitable container, but any container used for documents should be opened at least once a week. Do not put documents in any container which is rarely opened.

The principles for the care of documents in section 6 below should be noted.

(c) When registers remain in parochial custody, the incumbent can charge the fees for their inspection or for making certified copies which are laid down in the current Fees Order, and the money so received is counted as benefice income. However, under the new Measure, no fees are chargeable under Fees Orders when registers are deposited in the Diocesan Record Office.

5. If you keep your early documents in the parish

With the permission of the Archdeacon, you may keep all your registers and records in the parish. If permission is given, Schedule 2 of the Parochial Registers and Records Measure 1978 applies (see Note (ii)). This means that you will have to observe the following conditions:

(a) **Place**

- They must be kept in the church, the official place of custody.

(b) **Accommodation** (see Note (iii))

- The place must be dry and well-ventilated, and should be kept warm during cold weather.
- A roomy, ventilated, rustproofed steel cupboard (preferably with interior sides and shelves lined with fire-insulating material), with the door fitted with a multi-lever lock, is the required container. This should be placed against but not in direct contact with an interior wall, out of the line of direct sunlight and artificial heat. The cupboard must be opened at least once a week.
- **Do not** use an airtight safe, or any container which is rarely opened.
- **Nothing** except books or documents may be kept in this cupboard.
- Check temperature and humidity weekly on a maximum-minimum thermometer and hygrometer. Preferably, the temperature should not vary more than 10 degrees Centigrade (18 degrees Fahrenheit) in any one week. The most suitable relative humidity is 55% to 60%. It should not rise above 65% nor fall below 50%. High humidity encourages the growth of mould; low produces brittleness in parchment and paper.
- In areas of general high humidity, dehumidifying apparatus may have to be installed, or other methods used to keep the atmosphere sufficiently dry.

You will need to observe the principles for the care of documents in section 6 below.

6. Care for all documents in the parish

(a) Storage

- Do not place documents at the level of the ground, or where leaking water pipes could cause damage. If the area is prone to floods, store them well above known highest flood level. Make sure that all electrical wiring is safe. Keep a carbon dioxide fire extinguisher nearby. Never use a liquid fire extinguisher. Make sure that documents are protected from immediate contact with concrete, stone,

brick, slate, plaster or similar materials, and from contact with unprotected metal.

- Keep documents free from dust, grease and other foreign substances. **Do not** store with candles, wafers, wine, ink, oil, or articles made of cloth.
 - **Do not** expose to natural or artificial light in a permanent showcase for any length of time. Note especially that fluorescent lights emit damaging ultra-violet rays.
 - Pack documents loosely. If tightly packed, insect infestation and physical damage may result. Loose documents should be put first in suitable cardboard boxes, about which the Record Office will be able to advise you. Make sure that books placed upright on shelves are firmly supported, if necessary by rigid shelf dividers.
 - Avoid metal that can rust in all clips, pins, staples, tags and containers. Rust destroys documents. The County Archivist can advise you where you can obtain brass or plastic paper clips.
 - When tying bundles, use white tape rather than string, and string rather than rubber bands, which perish and damage the paper. Wrap bundles in strong white paper before tying.
- **Never** put documents in plastic bags. Free circulation of air is vital.

[\(b\) Making documents available](#)

You should be prepared to allow bona fide searchers, who may be genealogists, population historians (demographers) or local historians, to consult the records on request, **but** these searches should be by appointment at a reasonable time, that is during normal office hours or a time outside office hours that suits both parties:

To avoid blots and smudges which can damage and obscure the original text, make sure that no person consulting original documents uses anything but pencil. Also make sure that no person using documents eats, drinks or smokes while at work and that the notebook is **not put on** the documents. The use of tracing paper can damage older records.

If a search is likely to be extensive, or if a competent person offers to make transcripts, temporary deposit in a local record office should be considered. The copying or micro-filming of older records should always be carried out by or under the direct supervision of the County Record Office.

(c) Security

ALWAYS supervise **every** searcher for **the whole** of his/her stay. **Make no exception. NEVER lend any documents to an individual to take away.** Once a document is in a private house, even the parsonage house, the likelihood of eventual damage or loss is much increased. If a request is made for your registers and records to go on exhibition outside the church, consult your County Archivist. Try to ensure that when a present or former church office holder leaves the parish or dies, no records which belong to the parish are lost or destroyed as a result of the move or the winding up of his affairs.

7. Making Records

(a) Ink

The clergy are responsible for continuing the registration of baptisms, marriages and burials. The Stationery Office Record Ink (Stephens' "Registrar's" black lead ink - available in small quantities from the local Registrar's office on request) advised for use in the marriage registers is recommended for use in all three registers. **Do not use felt-tip or ball-point pens** for the ink may fade, stain and spread, and deface documents.

(b) Baptismal registers

The Measure alters slightly the format required by the Parochial Registers Act 1812. However, any registers you have already can still be used, though it will be necessary to adapt them to take in the additional information (as in Schedule 1 of the Measure). The new headings are: Entry number; Date of birth; Date of baptism; Christian name and surname; Father's Christian name and surname; Mother's Christian name and surname; Address; Father's occupation; Mother's occupation; Godparents; Officiating minister. The surnames of the person baptised and the father and mother should be in block capitals.

(c) Marriage registers

You may still be using a marriage register started in 1837. Although unfinished, such registers may be officially closed and exchanged and this is recommended. Please contact the Superintendent Registrar for your District, who will make the necessary arrangements.

(d) Burial Registers

The burial register should be used to record burials of bodies in the churchyard. The format confirmed in the Measure includes headings for: Entry number; Christian name and surname; Address; Age; Date of burial; Officiating Minister. The burial register may also be used to record the interment of ashes in the churchyard (subject to a marginal note being made to distinguish entries relating to ashes) where no separate interment register is provided. Where funerals held in the church are followed by burial or interment of ashes elsewhere, an entry should be made in the service register - the burial entry should **not** be used for this purpose.

8. Transcription and copying

The best way to preserve a document is to have a copy or an indexed transcript made for normal usage, as this reduces the need for use of the original and saves it from unnecessary handling.

(a) Transcription

An indexed transcript (up to at least 1837) is the best way of helping an enquirer who may find early handwriting difficult to read.

(b) Copying

Although machine photocopying was at one time favoured for copying, it is now recognised that this process can cause serious damage to documents. It is therefore discouraged. Micro-filming, however, can be carried out without risk of damage to the original material, and modern facilities enable paper print-out copies of single or multiple pages to be made from microfilm. All copying should be carried out by or under the direct supervision of the County Record Office.

In Hertfordshire, all registers over 100 years old and deposited at the Record Office have been microfilmed and it in that format that they are made available to enquirers. The originals are thus protected from risk of damage. A copy of each microfilm is kept off-site as an added precaution. Furthermore, there are currently plans for all microfilms of registers over 100 years old in both counties to be digitized and made available for viewing on a free website and this will ensure their wider accessibility to researchers.

9. Listing and inspection under the Parochial Registers and Records

Measure 1978

Under the Measure documents must be listed, and those remaining in the parish must be inspected every five years. The initial listing or survey has been completed, and copies of the survey lists have been sent to all parishes. Generally these lists include all records considered to be of present or future practical or historical importance. Copies of the lists are also held in the County Record Office, and extra copies are available to parishes on request.

Work began in 1988 on the first quinquennial inspection under the Measure and every parish has been inspected at least twice subsequently. As with the initial survey, parishes in this Diocese are not required to contribute directly towards the cost of the inspection; parishes may help to keep costs as low as possible, however, if they take the opportunity to deposit additional records in the County Record Office at the time of the inspection.

Inspection

At the time of each inspection, you will be expected to produce all the registers and records on the survey list together with any additional material that has come to light or been created since the previous inspection. The items previously listed will be checked against the list, and any missing documents will be noted. The additional material will be listed. The inspecting officer will also identify any records "over 100 years old" (defined in the Measure as being items in which the date of the latest entry is 100 years or more earlier than the date of the survey or inspection), make appropriate recommendations, and report on storage conditions.

Revision of survey lists

After the inspection, you will be sent an updated survey list which will be marked to show changes of location (including items originally kept at the church but afterwards deposited in the Record Office) and which will also list the additional material seen at the time of the inspection. The list should be carefully preserved for future inspections, and it is suggested that it should be kept (with the Record Office deposit receipts) in the terrier and inventory.

10. Protection and repair of documents

The condition of documents kept at a church should be regularly monitored, and any signs of deterioration (eg. insect infestation or the appearance of mould) should be reported to the County Archivist. Natural decay can often be arrested and in part made good by a trained document repairer, and the County Record Office conservation staff will be able to offer advice and

practical assistance in appropriate cases. Many commercially available materials for packaging and repair are harmful to documents, and so advice should be obtained from the County Archivist before any records are repaired or repacked. Never attempt any form of repair yourself, as to patch documents with unsuitable materials can cause irreparable damage.

In the event of damage by fire or flood, you should get in touch with the County Record Office **immediately**. Help will be available promptly to ensure that as much as possible is salvaged and preserved.

If documents kept in the church are lost through theft following a break-in at the church, you should also get in touch with the County Record Office who can identify from their lists exactly which items have been lost.

11. Addresses

The Diocesan Record Offices are the County Record Offices:

Bedfordshire (Archdeaconry of Bedford)

Bedfordshire and Luton Archives and Records Service,
County Hall,
Bedford,
MK42 9AP

Telephone: Bedford (01234) 228833 or 228777

Hertfordshire (Archdeaconries of St. Albans and Hertford)

Hertfordshire Archives and Local Studies,
County Hall,
Hertford,
SG13 8EJ

Telephone: 01992 555109

12. Further Reading

- For general advice on how to deal with documents held in the parish, including PCC minutes, accounts paperwork, etc, please see "Keep or Bin – The Care of your Parish Records" (2006) published by the Church of England Record Centre and available to download at:

<http://www.cofe.anglican.org/about/librariesandarchives/keeporbin/keeporbindocument.rtf>

- If you want a much more detailed and technical explanation of the Measure, you will need to consult the "Guide to the Parochial Registers and Records Measure 1978" which can be obtained from the Church House Book Shop, Great Smith Street, London, SW1P.

NOTES

Note (i) Section 226 of the Local Government Act, 1972, gives oversight of civil parish records to the County Council, which can give orders for their preservation.

Note (ii) Schedule 2 of the Measure:

Provisions which apply to register books and records retained in parochial custody under section 1 (2)

1. Every register book or record to which this Schedule applies shall be kept in a rust-proofed, vented steel cupboard, the door of which is fitted with a multi-lever lock, and the cupboard shall be kept in the appropriate parish church or other place of public worship.
2. The place in the church or other place of public worship in which the cupboard is kept shall be the place where there is least risk of damage to any such book or record in the event of a flood or an outbreak of fire.
3. The temperature and relative humidity in such cupboard shall be checked at least once a week by means of a maximum-minimum thermometer and a hygrometer, each of which shall be kept in the cupboard. The hygrometer shall be one conforming to British Standard Specification Number 3292 or any new British Standard which supersedes it.
4. The difference between the maximum and minimum temperature in the cupboard during any week shall not be allowed to exceed 10 degrees Celsius.
5. The relative humidity in the cupboard shall not be allowed to fall below 50% nor to rise above 65%.
6. Subject to paragraph 3 above, nothing, except books or other documents, shall be kept in the cupboard in which any register book or record to which this Schedule applies is for the time being kept.
7. Without prejudice to the preceding provisions, the person or persons having the custody of any such book or record shall take all such steps as are reasonably practicable to ensure that the book or record is protected against theft, loss and damage.

Note (iii) Storage accommodation

The optimum conditions for storage of documents are a properly equipped air-conditioned fire-proof strong room operated under supervision. These conditions are difficult to meet fully even in the most favourable of circumstances, and when applied to relatively few documents disproportionately expensive. The recommendations made in 5 (b) therefore, are very much a compromise with requirements.C11

Note (iv) Periods for which records must be kept

The following categories of records should be retained for the following minimum periods: -

	PCC Minute book	-	permanently
	Correspondence	-	as long as relevant, then check
with C.R.O.	Faculty documents	-	permanently
	Accounts etc.	-	6 years or, in the case of covenants, 6 years after the end of the covenant period

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January 2006

GUIDE TO THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007

[Dutyholders](#)

[When is Notification required?](#)

[Particulars to be notified to HSE](#)

[Summary of duties under the CDM regulations 2007](#)

- [All construction projects](#) (Part 2 of the Regulations)
- [Additional duties for notifiable projects](#) (Part 3 of the Regulations)

The key aim of the Construction (Design and Management) Regulations 2007 is to integrate health and safety into the management of construction projects at every stage. Incumbents, churchwardens and PCCs collectively have important new legal responsibilities under the Regulations when commissioning any construction or repair work to their churches. Also your church architect/surveyor needs to be involved at the same time.

The new CDM Regulations 2007 came into force on 6th April 2007, superseding the CDM Regulations 1994. They aim to help you ensure that your construction project is safe to build, safe to use, safe to maintain and delivers good value by:

- helping you to reduce bureaucracy and paperwork - making the focus planning and management, rather than the plan and other paperwork;
- simplifying the Regulations to improve clarity – so making it easier for duty holders to know what is expected of them;
- encouraging more integration - strengthening the requirements regarding co-ordination and co-operation, particularly between designers and contractors;
- simplifying the assessment of competence (both for organisations and individuals) to help raise standards and reduce bureaucracy; and
- maximising their flexibility – to fit with the vast range of contractual arrangements.

CDM 2007 also includes provisions originally called the Construction (Health, Safety and Welfare) Regulations 1996. CDM 2007 covers all forms of construction and places legal duties on virtually **everyone** involved in construction work. Those with legal duties are commonly known as 'dutyholders'.

The regulations encourage everyone involved to work together as an integrated team to:

- Improve planning and management of projects from the start
- Identify hazards early so that they can be eliminated or reduced at design and planning stage and the remaining risks can be properly managed
- Reduce bureaucracy and target effort where it can do the most good in terms of health and safety
 - Encourage co-operation and co-ordination of the project

A key theme that runs throughout the Guidance is to ensure that competent appointments are made as early as possible in the life of the project.

Dutyholders

Dutyholders under CDM 2007 are:

- **Clients** - A 'client' is anyone having construction or building work carried out as part of their business. This could be an individual, partnership or company and includes property developers or management companies for domestic properties.
- **CDM co-ordinators** - A 'CDM co-ordinator' has to be appointed to advise the client on projects that last more than 30 days or involve 500 person days of construction work. The CDM co-ordinator's role is to advise the client on health and safety issues during the design and planning phases of construction work.
- **Designers** - The term 'designer' has a broad meaning and relates to the function performed, rather than the profession or job title. Designers are those who, as part of their work, prepare design drawings, specifications, bills of quantities and the specification of articles and substances. This could include architects, engineers and quantity surveyors.
- **Principal contractors** - A 'principal contractor' has to be appointed for projects which last more than 30 days or involve 500 person days of construction work. The principal contractor's role is to plan, manage and co-ordinate health and safety while construction work is being undertaken. The principal contractor is usually the main or managing contractor for the work.
- **Contractors** - A 'contractor' is a business who is involved in construction, alteration, maintenance or demolition work. This could involve building, civil engineering, mechanical, electrical, demolition and maintenance companies, partnerships and the self-employed.
- **Workers** - A 'worker' is anyone who carries out work during the construction, alteration, maintenance or demolition of a building or structure. A worker could be, for example, a plumber, electrician, scaffolder, painter, decorator, steel erector, as well as those supervising the work, such as foreman and chargehands.

When is Notification required?

Notification will be required if the project, commonly referred to as a 'construction project' is likely to:

- Last longer than 30 days or
- Involve more than 500 persons days of construction work.

Any day on which construction work is carried out (including holidays and weekends) should be counted, even if the work on that day is of short duration. A 'person day' is one individual, including supervisors or specialist trades, carrying out construction work for one normal working shift.

There are a number of definitions such as construction work, construction phase, structure, project, construction site etc which have specific meanings in the Regulations.

Particulars to be notified to HSE (using HSE Form 10rev)

1. Date of forwarding.
2. Exact address of the construction site.
3. The name of the local authority where the site is located.
4. A brief description of the project and the construction work which it includes.
5. Contact details of the client (name, address, telephone number and e-mail address, if available).
6. Contact details of the CDM co-ordinator (name, address, telephone number and e-mail address, if available).
7. Contact details of the principal contractor (name, address, telephone number and e-mail address, if available).
8. Date planned for the start of the construction phase.
9. The time allowed by the client to the principal contractor referred to in regulation 15 (b) for planning and preparation for construction work.
10. Planned duration of the construction phase.
11. Estimated maximum number of people at work on the construction site.
12. Planned number of contractors on the construction site.
13. Name and address of any contractor already appointed.
14. Name and address of any designer already engaged.
15. A declaration signed by or on behalf of the client that he is aware of his duties under these Regulations.

We recommend that this task is undertaken by the CDM co-ordinator.

Summary of duties under the CDM regulations 2007

All construction projects (Part 2 of the Regulations)

Clients (excluding domestic clients)	<ul style="list-style-type: none"> • Check competence and resources of all appointees • Ensure there are suitable management arrangements for the project welfare facilities • Allow sufficient time and resources for all stages • Provide pre-construction information to designers and contractors
Designers	<ul style="list-style-type: none"> • Eliminate hazards and reduce risks during design • Provide information about remaining risks
Contractors	<ul style="list-style-type: none"> • Plan, manage and monitor own work and that of workers • Check competence of all their appointees and workers • Train own employees • Provide information to their workers • Comply with the specific requirements in Part 4 of the Regulations • Ensure there are adequate welfare facilities for their workers
Workers/ everyone	<ul style="list-style-type: none"> • Check own competence • Co-operate with others and co-ordinate work so as to ensure the health and safety of construction workers and others who may be affected by the work • Report obvious risks

NOTE – Domestic clients do not have any duties under CDM 2007.

Additional duties for notifiable projects (Part 3 of the Regulations)

Clients (excluding domestic clients)	<ul style="list-style-type: none"> • Appoint CDM co-ordinator* • Appoint principal contractor* • Make sure that the construction phase does not start unless there are suitable welfare facilities and a construction phase plan is in place. • Provide information relating to the health and safety file to the CDM co-ordinator • Retain and provide access to the health and safety file <p>(* There must be a CDM co-ordinator and principal contractor until the end of the construction phase)</p>
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<p>CDM co-ordinators</p>	<ul style="list-style-type: none"> • Advise and assist the client with his/her duties • Notify HSE • Co-ordinate health and safety aspects of design work and cooperate with others involved with the project • Facilitate good communication between client, designers and contractors • Liaise with principal contractor regarding ongoing design • Identify, collect and pass on pre-construction information • Prepare/update health and safety file
<p>Designers</p>	<ul style="list-style-type: none"> • Check client is aware of duties and CDM co-ordinator has been appointed • Provide any information needed for the health and safety file
<p>Principal contractors</p>	<ul style="list-style-type: none"> • Plan, manage and monitor construction phase in liaison with contractor • Prepare, develop and implement a written plan and site rules (Initial plan completed before the construction phase begins) • Give contractors relevant parts of the plan • Make sure suitable welfare facilities are provided from the start and maintained throughout the construction phase • Check competence of all appointees • Ensure all workers have site inductions and any further information and training needed for the work • Consult with the workers • Liaise with CDM co-ordinator regarding ongoing design • Secure the site
<p>Contractors</p>	<ul style="list-style-type: none"> • Check client is aware of duties and a CDM co-ordinator has been appointed and HSE notified before starting work • Co-operate with principal contractor in planning and managing work, including reasonable directions and site rules • Provide details to the principal contractor of any contractor whom he engages in connection with carrying out the work • Provide any information needed for the health and safety file • Inform principal contractor of problems with the plan • Inform principal contractor of reportable accidents, diseases and dangerous occurrences

The new regulations and guidance are published by HSE Books as a Code of Practice

(ACOP) called 'Managing health and safety in construction' (£15).

HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA.

Tel: 01787 881165 www.hsebooks.com

*This Advice Leaflet was compiled from information taken from the Health & Safety Executive web site (www.hse.gov.uk/construction/cdm.htm) and the Construction Skills web site (www.cskills.org/healthsafety/cdmregulations/) and is reproduced with permission. It is intended as a high-level overview of the new legislation and should not be regarded as a comprehensive guide. If you are embarking on a construction project of any size, we **strongly** recommend that you take advice from your church architect or surveyor.*

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May 2007

DAC ADVICE LEAFLETS

The following Advice leaflets are available from the Diocesan Advisory Committee, free of charge. Please contact the DAC team for details and availability.

Number	Leaflet	Please tick
-	A Guide to the Churchyard regulations 2004	
A	Schedule A	
B	Schedule B	
1	Applications for Faculties	
2	Appointment of professional advisers	
3	Your quinquennial inspection	
4	Major repairs to your church building	
5	Listed Places of Worship VAT scheme	
6	Fire prevention	
7	Construction and extension of church buildings	
8	Church textiles	
9	Sound reinforcement systems	
10	Planning a church noticeboard	
11	Planning a garden of remembrance	
15	Commissioning Stained Glass	
16	Archaeological Requirements	
19	Disability Discrimination Act	
25	Statements of significance and need	
26	Storage of petrol and petrol-powered tools	
27	Managing Asbestos	
28	Oil storage	
29	Using Projectors and Screens in your church	
30	Making the most of your church building	
31	The Work at Height Regulations 2005	
32	Church Property Register	
33	Fire Safety (The Regulatory Reform Order 2005)	
34	Construction (Design and Management) Regulations 2007	
35	Your Church and the Environment	
36	No Smoking Regulations	
37	Flags	
38	Managing Traditional Churchyards for Wildlife	draft

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August 2006

Diocesan Handbook
Section C
Care of Churches and Churchyards

C1	Care of church buildings, church contents and churchyards
C2	Role of the Diocesan Advisory Committee
C3	Applying for a Faculty
C4a	Care of Churches: Faculty Jurisdiction Measure schedule A
C4b	Care of Churches: Faculty Jurisdiction Measure schedule B
C5	The Churchyard Regulations and Annex
C6	Use or Appropriation of consecrated land and premises
C7	Gifts for use in churches
C8	The appointment of professional advisers
C9	Diocesan Scheme for the inspection of churches
C10	Parochial Registers and Records
C11	Guide to the Construction (Design and Management) Regulations 1994