

GRAVE RESERVATION BY FACULTY

1. As part of its mission to the entire community, burial in an open Church of England churchyard is not restricted to professed members of the Church of England. Spaces for burial are generally allocated to those entitled as and when the need arises (i.e. on death). Entitlement arises by way of (a) residency in the parish (b) membership of the electoral roll or (c) place of death being in the parish.
2. From time to time, however, applications are received from parishioners and others wishing to reserve a particular gravespace for future use. There are a number of motivations for such applications. A common instance is where a husband or wife (or partner) wishes to have a space reserved next to a spouse (or partner) who has already been buried, or where children wish to be buried near their parents. Sometimes a number of grave spaces may be reserved with a view to the creation of a family burial area.
3. A grave can only be reserved in a particular place for future (as opposed to immediate) use after a formal 'Petition for Faculty' has been made to, and a Faculty granted by, the Consistory Court of the Diocese. An incumbent, priest-in-charge, or Parochial Church Council ("PCC") has no right to reserve gravespaces, and a promise made by them will be ineffective without a Faculty.
4. As part of the court process, the Chancellor (the judge of the Consistory Court) will seek and obtain the views of the incumbent and/or the PCC about the application. Some PCCs have a stated policy that they will not support any applications for grave reservations; applicants should be aware that (although not binding on the Chancellor) it is unusual for the Consistory Court to grant a reservation where the application is opposed by the PCC.
5. Another part of the process is the display of a public notice both inside and outside the church (on the church door or noticeboard) for 28 days. This allows members of the public an opportunity to raise an objection to the grave reservation.
6. Other than in exceptional circumstances, grave reservations are unlikely to be granted where a churchyard is almost full.
7. A Court fee is payable on the submission of the Petition (in 2019 the fee is £296.20, reviewed annually) and is payable whether or not the application is successful. If the application does succeed and a Faculty granted, it will normally be subject to a condition requiring a (further) fee of around £225 to be paid into the churchyard maintenance fund of the church concerned. Therefore the total cost of a grave reservation is usually at least £521.20.
8. If a Petition for Faculty is opposed, a full court hearing is required, or the Chancellor is required to write a formal judgment, further Court fees may become payable. The Diocesan Registry can provide details and guidelines about this on request. Again, such Court fees will be payable whether or not the application is successful.
9. If a formal written judgment is handed down by the Court, applicants should be aware that this is a public document, published online and may therefore attract media attention.

10. A Faculty will relate to a particular individual or individuals and will not usually be granted in general terms (e.g. for a future spouse or future children). Reservation of a gravespace does not carry with it any associated automatic right to erect a memorial; there is a separate approval process for memorials, details of which can be found in the Chancellor's General Directions, known as the Churchyard Regulations 2004. See below:

www.stalbans.anglican.org/wp-content/uploads/Churchyard-Regulations-2004.pdf

11. Once a faculty has been granted by the Chancellor, the incumbent must keep a clear written record of the reservation (usually by way of annotation on the churchyard plan). The Chancellor will also issue directions as to how a reserved gravespace must be physically marked out on the ground, to ensure that the space is not inadvertently used for somebody else.

12. Grave reservations are usually granted for a fixed period. In this Diocese, a reservation is usually granted for a period of 25 years, but can be extended by a further application to the Court.

13. Some Churchyards have a policy of reusing gravespaces if at least 75 years has elapsed since internment. This may become more commonplace as the current shortage of burial space becomes more acute. Families should therefore be aware that a grave reservation does not prevent such future reuse.

14. Where two persons (for example husband and wife) wish to be buried together, they may either (a) make a single application for a 'double depth' plot, where available, (one set of fees payable) or (b) make two applications for neighbouring plots (two sets of fees payable).

15. The relevant application form is available from the Diocesan Registry (stalbandsregistry@wslaw.co.uk) on request. Incumbents and other parish officers can offer advice to persons seeking to reserve a gravespace. They are asked to discourage at the outset any applications which are almost inevitably going to be turned down, so that applicants are not subject to wasted time and costs.

M.J. Chinery
Diocesan Registrar
February 2019