

RESERVATION OF A GRAVESPACE BY FACULTY

1. As part of its mission to the entire community, burial in a Church of England churchyard is not restricted to professed members of the Church of England. Spaces for interment 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 interred near their parents. Sometimes a number of spaces may be reserved with a view to the creation of a family burial plot.
3. A gravespace 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 spaces, and a promise made by them will be ineffective without a Faculty.
4. If you wish to reserve a gravespace, you should first contact the Incumbent or Priest-in-Charge responsible for the churchyard in question to discuss the matter. Then complete Part A of the Petition Form and after that take the form to the Incumbent or a Churchwarden, who is in a position to complete Part B of the form and seek the support of the Parochial Church Council. When fully completed, send the form to the Diocesan Registry, accompanied by a certified copy of any PCC resolution in support. A fee will be payable (currently £305.40); and you will be asked for this when your Petition has been lodged. If you are acting on behalf of a minor, a person who is registered blind or disabled and for whom you hold a Power of Attorney, please indicate so clearly.
5. 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.
6. 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 reservation.
7. Other than in exceptional circumstances, grave reservations are unlikely to be granted where a churchyard is almost full.
8. A Court fee is payable on the submission of the Petition (in 2021 the fee is £305.40, 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 £150 to be paid into the churchyard maintenance fund of the church concerned, or £225 for a double plot, with the discount reflecting the fact that whilst two bodies will be interred, the fact they are interred in the same grave will space for future use. This maintenance fee goes

towards the cost of maintaining the entire churchyard, including trees, walls and pathways.

9. 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. (Please note that this is a very rare occurrence).
10. 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.
11. 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 confer any right or interest in land or any form of ownership. 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 2020. See below:

<https://www.stalbans.anglican.org/wp-content/uploads/Churchyard-Regulations-2020.pdf>
12. 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 may also issue directions as to how a reserved plot must be physically marked out on the ground, to ensure that the space is not inadvertently used for somebody else.
13. Reservations are usually granted for a fixed period. In each case this reflects the space remaining in the churchyard, the rate at which it is filling up, the number of plots already reserved and the rate at which plots are being reserved.
14. Some Churchyards have a policy of reusing burial areas 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 reservation does not prevent such future reuse.
15. 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).
16. Incumbents and other parish officers can offer advice to persons seeking to reserve a plot. 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.

TO THE CONSISTORY COURT OF THE DIOCESE OF ST ALBANS

PARISH OF: _____

PETITION FOR FACULTY FOR THE RESERVATION OF A GRAVESPACE IN A CHURCHYARD

Petitioner(s) must complete PART A and then ask the Incumbent or Priest-in-Charge (or if unavailable a Churchwarden) to complete PART B

*Petitioner(s) must then return the completed form to the Diocesan Registry at Minerva House, 5 Montague Close, London SE1 9BB
StAlbansRegistry@wslaw.co.uk*

I/WE, _____ the
Petitioner(s)

Apply for a Faculty authorising the reservation of a gravespace in the churchyard of

PART A

Information to be supplied by the Petitioner(s)

1. Full name(s):

.....

Address:

.....

Age(s):

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2. Relationship of Petitioner(s) to each other:

.....

(If you are applying on behalf of someone else please state why the person concerned is unable to apply themselves)

3. Reasons for the application and connections of Petitioner(s) with the Parish

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.....

4. Is the Petitioner(s):

(a) Resident in the Parish? YES/NO:

.....

(b) On the Church Electoral Roll? YES/NO:

.....

(c) Attend the Church? YES/NO:

.....

(d) Does the Petitioner(s) subscribe to Parish funds? YES/NO:

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5. Does the Petitioner(s) have any other connection with the Church or Parish? If so, please give details:

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6. Does the Petitioner(s) own property in the Parish, if so please give details:

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7. Does the Petitioner(s) have a relative interred in the Churchyard? If so :

(a) Give name of relative:

.....

(b) State relationship of relative to the Petitioner(s):

.....

(c) Give position of grave of the relative:

.....

The statements in this Petition and the answers to the questions above are true to the knowledge and belief of each one of us.

Signature of Petitioner(s)

.....

.....

.....

Date

PART B

Information to be supplied by Incumbent, Priest-in-Charge or a Churchwarden

- 1. For how many years do you think the space in the present Churchyard will fulfil the needs of Parishioners?

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(If the answer to this question is less than 5 years, please state whether the PCC has any plan to extend the Churchyard, or if not, what provision will be made for future interments)

- 2. Does the Parochial Church Council support this application? YES/NO

(Please attach a copy of the relevant PCC Resolution, indicating whether it was passed unanimously or by a majority (with voting figures) and the total number of members of the PCC).

- 3. State the position of the gravespace to be reserved by reference to a number on the Churchyard Plan

(Please attach a copy of the relevant part of the Churchyard Plan. Every churchyard should have a clear, accurate and up to date plan. If for some reason this is not the case, please provide an explanation and a clear and accurate description of the position of the gravespace.)

- 4. What will be the number of this reservation in the Churchyard Plan?.....

- 5. What are the dimensions of the gravespace?

- 6. What is the population of the Parish (approx)?

- 7. What are the number of spaces now available for future burials?

(Please be as precise as possible, particularly where the churchyard may become full within 25 years.)

- 8. Of these, how many (if any) are reserved by Faculty?

- 9. Please give the total number of burials in the Churchyard for the last three years:

.....
Please state if this is not, in your view, an accurate reflection of the usual average number of burials over a three year period

- 10. Please give the total number of reservations in the Churchyard for the last three years:

.....
Please state if this is not, in your view, an accurate reflection of the usual average number of reservations over a three year period

Signature of Incumbent/Priest-in-Charge/Churchwarden* :

.....
***(delete as applicable)**

Date:

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