



DIOCESE OF ST. EDMUNDSBURY AND IPSWICH **GRAVE SPACE RESERVATIONS**

Everyone has a legal right to be buried in their home parish churchyard when they die, assuming it is still used for burials. However, although many churches do operate informal systems of reservation, they are not legally-binding and you have no right either to reserve or buy a particular plot in your home churchyard or in a churchyard somewhere else, other than by applying on a formal basis for a faculty (a permission of an ecclesiastical court of the Church of England). The grant of a faculty is discretionary rather than automatic. Before applying, please read these notes and consider carefully:

- a) whether a formal reservation is essential, particularly if the local church can offer an informal reservation;
- b) whether your circumstances may change and/or whether you may change your mind by the time you die, thus making the reservation unnecessary.

If you wish to apply for a faculty, the following steps are involved:

1. If you have not already done so, you should approach the minister or one of the churchwardens to find out the church's policy on reservations and to try to agree the location of the space you want to reserve. They will then put the proposal to the parochial church council (PCC). If the PCC agrees, this must be in a formal resolution (you will need a copy) passed at a PCC meeting. If the PCC does not agree, your faculty application is likely to fail.
2. Complete a faculty petition form (enclosed). This is your formal application for a faculty, which, if granted, is the authority for the reservation. Please note the following:
 - (a) the petitioners (the people asking for the faculty) must be the people whose remains are to be buried in the plot and you cannot apply on behalf of someone else;
 - (b) please define the exact position of the plot either by a plan or by row and plot number, or by compass points to a fixed and permanent object (e.g. an existing marked grave - "immediately to the south and adjacent to the grave of");
 - (c) please answer all the questions as fully as possible;
 - (d) please ask the minister or a churchwarden to complete the section at the end.

3. Please then return to me:-
 - (a) the completed faculty petition,
 - (b) a copy of the PCC resolution giving consent,
 - (c) the fee for the petition, which is currently £200 (no VAT). The cheque should be made payable to "Birketts LLP". The fee is generally not refundable.
 - (d) a cheque in favour of(*name of church*)..... PCC for £200 (see 4(a) below). This will be returned if the faculty is not granted.

4. On receipt of the papers I will refer the matter to the chancellor (ecclesiastical judge of the diocese) for his decision. He is generally reluctant to grant a faculty where the person making the application is under the age of 50. Your application will need to show that you have connections with the parish that justify the reservation and that there is ample other space available for the burial of parishioners likely to die before you. He is generally reluctant to reserve two spaces side by side for a married couple, since they would normally be buried in a single double-depth grave. He prefers not to reserve spaces for cremated remains, particularly where areas have been specifically set aside for them in the churchyard.

In any event, if the chancellor does approve the application, he will impose two conditions: -

 - (a) that you pay £200 to the PCC;
 - (b) that the reservation will lapse seventy-five years from the date of the faculty, unless renewed within that period by a further faculty.

5. If the chancellor approves, it will be subject to there being no objections from local people. I will organise the display of public notices in the church and churchyard inviting comment.

6. At the end of the notice process, assuming there have been no objections, I will send you the faculty document and inform you and the parish accordingly.

I hope this helps to explain the procedure but if you have any queries, please contact my assistant, Mrs Angela Long, (direct line: 01473 406300) or me (406270). Our email addresses are james-hall@birketts.co.uk and angie-long@birketts.co.uk

JAMES HALL
Diocesan Registrar