**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, please do the following:

1. If you have not already done so, approach the minister or one of the churchwardens to find out the church's policy on reservations and 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 (see below). This is your formal application for a faculty, which, if granted, is the authority for the reservation. Please note:

(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) 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) answer all the questions as fully as possible;

(d) ask the minister or a churchwarden to complete the section at the end.

Continued…………………/-

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 £250 (no VAT). Direct payment through your bank is preferable to Bank of Scotland, 12 16 39, Birketts LLP client a/c 00136604, ref. 2345/153/*name of parish.*

If paying by cheque, it should be made payable to "Birketts LLP”.

 The fee is generally not refundable if the application is refused.

4. On receipt of the papers I will refer the matter to the chancellor (the judge of the diocesan ecclesiastical court) for his decision. He is unlikely to grant a faculty where the person making the application is under the age of 50.You must 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. The chancellor is 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.

If the chancellor does approve the application, there will be two provisos:

(a) that you pay £200 to the PCC within 28 days, failing which the faculty will lapse;

(b) that the reservation will lapse after seventy-five years, unless renewed within that period by a further faculty.

6. The chancellor’s approval will also be subject to there being no objections from local people. I will organise the display of public notices in the church and churchyard for at least 28 days inviting comment. 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. You must then pay £200 to the PCC.

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

 JAMES HALL

Diocesan Registrar

April 2020



CARE OF CHURCHES AND ECCLESIASTICAL JURISDICTION MEASURE 1991

FACULTY JURISDICTION RULES 2015 Rules 5(3) and 20.6(2)

**PETITION FOR FACULTY – GRAVE SPACE RESERVATION**

**To the Consistory Court of the Diocese of St Edmundsbury and Ipswich**

**Parish: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Church** : **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**We:**

|  |  |
| --- | --- |
| FULL NAME | RESIDENTIAL ADDRESS(including postcode) |
|  |  |
|  |  |

**Petition as follows:**

We seek a faculty to authorise us to reserve a *single depth/double depth* plot for *my/our*

burial in the churchyard in the position *shown on the attached plan/described below*:-

*(If you are unable to supply a plan of the churchyard showing the desired location then describe clearly by reference to known points or by row and plot number, exactly where the plot is to be so that there is absolutely no risk of confusion.)*

***CREMATED REMAINS***

***Is the plot required for the burial of cremated remains? If so, is there an area specifically set aside for the burial of cremated remains and why do you prefer not to use it and to reserve a space elsewhere?***

**QUESTIONS** *Please answer all of the following:*

|  |  |
| --- | --- |
| 1. Are any actual works proposed at this stage? (*It is assumed that the answer is "no". Any memorial will be the subject of a separate application after your death.)* | *Yes / No* |
|  |  |
| 2. How old are you? If you are under 50, please attach a separate written explanation of the reasons behind your request. (*Please note that permission is not normally granted to persons under 50 unless there are very special circumstances.* *Younger people are more likely to change their circumstances and their wishes about burial. Reservations for such people may disadvantage parishioners who die before they do.)* |  |
|  |  |
| 3. If you are resident in the parish already, why do you wish to reserve a particular grave space in the churchyard?(*Any resident of the parish or anyone dying within the parish has a general right to be buried within the churchyard, assuming it is the parish burial ground, although not in any particular place.)* |  |
|  |  |
| 4. If you are **not** resident in the parish, are you on the church electoral roll? | *Yes/No* |
|  |  |
| 5. Have you ever lived in the parish and if so for how long and during which years? |  |
|  |  |
| 6. If not, why do you wish to reserve a grave space in this churchyard? |  |
| 7. If there is any further information that you would like the court to take into account, please include it on a separate piece of paper. |  |

I have paid £250 by bank transfer to Bank of Scotland, Sort code 12 16 39, Birketts LLP client a/c 00136604, ref. 2345/153/name of parish, or I enclose a cheque for £250 payable to “Birketts LLP” for the faculty fee *(not refundable). (Delete as applicable.)*

*(Delete if not applicable.)* I/we have already paid £200 to the PCC. *(This is refunded if the faculty is not granted).*

The statements in this petition and the answers to the questions above are true to the best of my / our knowledge and belief.

....................................................................... .................................................................

*(Signatures of the petitioners)* Dated : ..................................................................…

**To be completed by the minister or a responsible officer of the PCC**

(A) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Parochial Church Council at its meeting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ passed *unanimously / without dissent / by a majority of* \_\_\_\_\_\_\_ to \_\_\_\_\_\_\_ (*please delete as appropriate)* among those present and voting, a resolution agreeing to the reservation of the grave space requested by this petition. A copy of such resolution signed by the *chairman / secretary* is attached. There are \_\_\_\_\_\_\_\_\_\_\_ members of the council.

(B) There is ample space available in the churchyard for the future burial of parishioners for at least the next years. *(Please complete. This helps the chancellor decide whether the reservation can be accommodated without interfering with the normal burial rights of parishioners).*

(C) *(If the application is for a space for cremated remains)* Please say whether or not there is a separate area specifically set aside in the churchyard for the burial of cremated remains where reservations are not allowed and "next in line" applies.

(D) I confirm that the petitioner/s have paid the PCC the sum of £200.

.......................................................................*(signature)*

………………………………………*(name)*................................................... *(office held)*

*Please indicate below which member of the PCC should be regarded as the contact address.  (Telephone, address and email address would also be helpful).*

*……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………*

**When completed, please return the petition your cheque if not paying by BACS to:**

The Diocesan Registry

Birketts LLP

Providence House

141 – 145 Princes Street

Ipswich

IP1 1QJ

**FOR USE BY CHANCELLOR ONLY**

Let the public notice be displayed (if not previously displayed in accordance with the Faculty Jurisdiction Rules 2015). Subject to the receipt of the public notice with completed certificate of publication and if no objection has been received, let a faculty be issued on condition:

1. That the petitioner/s shall pay the sum of £200 to the parochial church council.

2. That the rights granted shall lapse on the expiration of seventy five years from the date of the faculty unless renewed by further faculty granted before the expiration of such period.