

Closed Churchyards

How to check if your church is closed

There are a number of ways you can check if your churchyard is already closed. Here is how you can check for closure:

- Contact the Church Buildings team within the Diocese of Sheffield. A database is maintained of closed churchyards and it will contain up to date information on whether your churchyard is open or not.
- Contact the Coroners and Burials Division of the Ministry of Justice, they also keep an up to date database of closed churchyards across the UK, they will also know whether your churchyard is recorded as closed or not.
- Search the London Gazette website, as they may have a copy of the closure order for your churchyard.

How to apply for a church closure

To apply for a church closure, the PCC needs to contact the Ministry of Justice. However, there are certain criteria that need to be met for the Ministry of Justice to consider closure. These are as follows:

- That further burials would constitute a public risk
- That further burials would be contrary to decency
- That burials should be discontinued for the prevention or mitigation of nuisance
- That there is no proper room for new graves or
- Another valid grounds as justified by the PCC

It is important within the application that any exceptions to churchyard closure they wish to implement must be included in the application. These are exceptions to allow specific burials to be carried out and must detail every burial that will be carried out within the closed churchyard.

Once the application has been received by the Ministry of Justice the PCC will be sent notices about the churchyard closure that must be fixed to the doors of the church, as well as being given to the incumbent and local authority.

What happens in closure?

The purpose of a churchyard closure order is to prevent further coffin burials taking place within the churchyard. As specified above however many closure orders can come with exceptions that can be activated by a faculty application, such as:

- If a gravespace has been reserved through a faculty application, then the named person may be buried there.
- A body may be buried in the same gravespace as a relative, but only if there is room for at least one metre of earth above the second coffin.
- Burials may take place in existing walled graves or vaults where there is adequate space for further burials to be fully encased by brick or stonework.

These are examples of exemptions that can be provided by an Order in Council, it is important to read and understand them carefully. Any burials not covered by exemptions will NOT be permitted even with a faculty.

Cremated remains can be buried in a closed churchyard subject to certain conditions, these are:

- If a faculty is granted for their burial.
- If cremated remains are to be buried in a specified area that is a garden of remembrance.

There is no automatic guarantee or right to bury cremated remains in a closed churchyard, it has to be granted through a faculty or specified as an exemption by the Order in Council.

An Order in Council cannot be revoked, but it can be altered. Such examples are to change the boundaries of the churchyard if the initial order was incorrect or to change the categories of burial which are still allowed.

The Responsibility of a Closed Churchyard

The responsibility of care for a churchyard is covered by the Local Government Act of 1972. Even after a churchyard is closed and an Order in Council is made, the responsibility of maintaining the Churchyard still lies with the PCC. The PCC can transfer that responsibility to a local authority whether that be a parish or town council with three months' notice.

Keep in mind when transferring responsibility, that in 1981 the General Synod Office requested that PCCs should ideally give local authorities 12 months' notice of the transfer so they can adjust budgets for the responsibility.

When considering the transfer of responsibility there are positives and negatives about transferring maintenance responsibility to the local authority.

Positives:

- The PCC would have no responsibility or management for the maintenance of the churchyard.
- The PCC would not have to use their budget for the Churchyard, such as hiring contractors to carry out work.

Negatives:

- The cost of maintenance may be higher for the local authority than it would be for the PCC.
- A knock on of that maybe that the local authority increases council tax to cover the maintenance which may have pastoral implications
- The standard of upkeep from the local authority may not be the same standard as the PCC

It is important to keep both positives and negatives in mind as you decide on this issue, but if you have started the process for churchyard closure, you most likely are doing it to transfer the responsibility of maintenance. In any case please remember that responsibility does not automatically transfer when churchyard closure comes into effect and you will still have to maintain the churchyard until it is transferred to a local authority. If you have never notified a local authority that you have transferred responsibility, it is still your responsibility to maintain!