



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

Everyone has a legal right to be buried in the parish churchyard where they live when they die, assuming it is still used for burials. However, although many churches do operate informal systems of reservation, this is discouraged and they are not legally-binding. There is 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;
- (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 is also reluctant 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 is only for 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