

DIOCESE OF YORK

MEMORIAL OUTSIDE THE CHURCHYARD MEMORIAL REGULATIONS 2018

If it is proposed to place a memorial on a grave in a form which is not permitted by the Churchyard Memorial Regulations 2018, formal Faculty permission is required. The faculty is the legal authority for the placing of the memorial on the grave.

The steps in the process are:

- 1. Please download the form of Petition for Faculty for a memorial.** This is the application form. The person(s) applying for the faculty are described as the Petitioner(s). The Petitioner(s) should normally be either the two executors or administrators. If for some reason the Petition is to be lodged by some person who is not an executor or administrator an explanation must be given.
- 2.** You (the Petitioner(s)) must complete pages 1 and 2. The Petitioners must describe the proposed memorial on page 2, including the proposed dimensions, shape and material, and setting out the full inscription. Attaching a drawing to the Petition is helpful, as are photographs showing other memorials and the general appearance of the churchyard in the area where the proposed memorial is to be placed. You will need to talk to the Minister in charge of the parish in order to be able to complete some of the form. If there is no parish priest in post, you will need to contact the Area Dean.
- 3.** The Minister in charge (or the Area Dean) must complete page 3, which provides information about the churchyard. Before completing this page, the Minister will arrange for your application to be discussed by the Parochial Church Council (the PCC) and resolve whether or not to support the application. If the PCC does not support your application, you may still apply for faculty permission, but it may be necessary for there to be a court hearing. Should this situation arise, the Diocesan Registrar or Faculty Secretary will be able to advise about the steps required.
- 4.** Once the Petition is complete, you or the Minister must send the completed form to the Faculty Secretary with three separate cheques attached made out as follows:
 - for £362.40 made payable to **Flint Bishop Limited**. This fee relates to the court costs of dealing with your application and is not returnable in the event that the faculty is not granted.
 - for £95.00 made payable to **York Diocesan Board of Finance Limited**. This fee will be returned to you if the faculty is not granted.
 - for £188.00 made payable to the **PCC** of the relevant parish. The Minister will be able to tell you who this cheque should be made out to. This fee will be returned to you if the faculty is not granted.

Alternatively, we can take payment by BACS. Please call the Registry on the number below and we can provide you with the payment information. Please note that separate BACS information

will be provided for the York DBF and the PCC.

Please note that these fees change annually. If there is any delay in lodging the Petition, please contact the Faculty Secretary for details of the current fees.

- 5.** When the completed Petition and relevant fees are received, the Faculty Secretary will send your application to Diocesan Advisory Committee for the Care of Churches (DAC) which will be considered by the DAC at its next meeting, after which it will be sent to the Chancellor of the Consistory Court of the Diocese; it is the Chancellor who decides whether a faculty should be granted.
- 6.** On the return of the Petition from the Chancellor, and providing the Chancellor has granted Faculty permission, the Faculty Secretary will send to the Minister public notice of your application to be displayed at the church for 28 days. As well as telling the public about your application, this tells the public what to do if they have any objection to it. If an objection is received the Petition will be returned to the Chancellor for her further consideration.
- 7.** Once the 28-day notice period is expired, the Minister will send the public notice to the Faculty Secretary with a certificate that the notice has been displayed for the required period.
- 8.** If a Petition for faculty is opposed, if a full court hearing is required, or if the Chancellor is required to write a formal judgment, further Court fees may become payable. If a formal written judgment is handed down by the Court this will be a public document, published online, and may therefore attract media attention.
- 9.** If faculty permission is granted, the Faculty Secretary will write to you to send you the original faculty document sealed by the Court. You should keep this in a safe place as proof. A copy of the faculty will be sent to the Minister for noting in the parish records.
- 10.** The memorial stone erected on the grave must accord in all respects with the stone described in the application form and faculty and should be erected within three months of the faculty being issued to you.

If you have any queries about any aspect of the faculty process or completion of the forms, please contact the Senior Registry Clerk, Alice Bracken, on 01904 561435 or registryyork@flintbishop.co.uk.

Louise Connacher

Registrar of the Diocese of York