

Parish of St. Christopher's, Hinchley Wood

Garden of Remembrance

Regulations and Policy

Amended 14th November 2022

1. Introduction

1.1 The responsibility for the management and maintenance of the Parish Church and its grounds falls to the Parochial Church Council of the Parish of St. Christopher, Hinchley Wood (the PCC).

1.2 The church does not have a burial ground but does have the Garden of Remembrance, in consecrated ground on the north side of the Church, for the burial only of cremated remains.

1.3 The Garden of Remembrance was created in 1978 to commemorate the silver jubilee of the church, under the authority of a faculty granted by the Chancellor of the Diocese of Guildford on 7th February 1978.

1.4 The Garden of Remembrance is designed as a tranquil space with no permanent markers, other than the Dedication Stone.

1.5 The general law of England and Wales places no constraint on the place where a person's ashes may be put to rest, other than that the landowner must consent. For the purposes of the church and its grounds, the PCC serves as landowner and makes these regulations and declares this policy.

1.6 Contents :-

1. Introduction
 2. Interpretation
 3. Design of the Garden and its burial plots
 4. Maintenance of the Garden
 5. Access to the Garden
 6. Rights of Interment
 7. Reservation, etc., of burial plots
 8. Preliminaries to interment
 9. Manner of Interment
 10. Book of Remembrance
 11. Memorials at the Garden of Remembrance
 12. Fees
 13. Moving, removing or otherwise disturbing interred ashes
- References

2. Interpretation

2.1 In this document the words and phrases listed below shall be interpreted as follows.

Ashes shall mean a person's cremated remains

Burial plot	shall mean the particular area within the garden dedicated to the interment of an individual's ashes.
Bury <i>or</i> buried	shall mean inter <i>or</i> interred, as appropriate.
Churchwardens	shall mean the churchwarden or churchwardens for the time being of The Parish Church of St. Christopher, Hinchley Wood.
Diocese	shall mean The Diocese of Guildford
Faculty of 1978	shall mean the faculty granted by the Chancellor of the Diocese of Guildford on 7 th February 1978 for the establishment of the Garden of Remembrance.
Flowers	shall mean cut flowers, or good quality artificial flowers
Church	shall mean The Parish Church of St. Christopher, Hinchley Wood.
Garden	shall mean the Garden of Remembrance, unless in a particular instance the contrary is clearly stated.
Dedication Stone	shall mean the one Dedication Stone as permitted by the Faculty of 1978
Parish	shall mean the Ecclesiastical Parish of St. Christopher, Hinchley Wood.
Parishioner	shall mean a resident of the parish, or a person on the electoral roll of the Church.
PCC	shall mean The Parochial Church Council of the Parish of St. Christopher, Hinchley Wood.
This policy	shall mean these regulations and policy
Plaque, etc.	shall mean any marker, plaque or memorial, other than the Dedication Stone
Plot	shall mean burial plot.
Them	shall serve for the common singular in the third person as object, unless in a particular instance its use in the plural is clearly stated.
They, their, theirs, themself	shall be interpreted similarly to "them", as subject, possessive, pronominal adjective, or reflexively, as appropriate.
Vicar	shall mean the incumbent for the time being of this parish. In the event of their prolonged absence, the Vicar shall include any person to whom the Vicar has properly delegated their relevant powers under this policy. In the event of a vacancy in the incumbency the rights and responsibilities of the vicar shall be exercised through the churchwardens, commonly in consultation with the archdeacon, or such other person as the churchwardens shall advise.

2.2 Where the PCC is authorised under this policy to perform any act, that act may be performed by any member of the PCC, or may be performed by a Church employee or volunteer authorised by the PCC so to act; but anyone so acting is to bear in mind that they are acting on behalf of the PCC.

2.3 No forbearance by the PCC in the taking of any remedial action shall be interpreted as a licence to perform the act requiring remediation.

2.4 The Faculty of 1978 used Imperial units of measure, the garden was established using Imperial units of measure and will need to be managed and maintained using Imperial units of measure. Where metric measurements are provided, they are general approximations only.

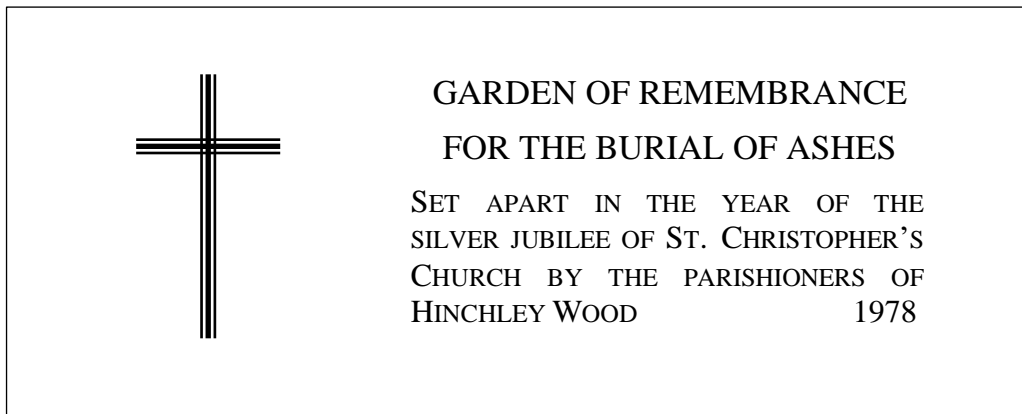
2.5 The use of the masculine gender shall not exclude anyone because she is of the female sex, nor shall the use of the feminine exclude anyone because he is of the male sex, unless in a particular instance the contrary is clearly stated or necessarily implied.

3. Design of the Garden and its burial plots

3.1 Dedication Stone

In accordance with the faculty of 1978, there is a Dedication Stone in the garden, by the north wall of the church, approximately 3'4" wide, 2'9" high and 3" thick (roughly 1m x 85 cms x 8 cms) , placed on paving stones.

For the purpose of identification, not definition, the Dedication Stone is inscribed thus:



3.2 Bench

In accordance with the Faculty of 1978 there is a wooden bench in the corner of the garden adjacent to the north porch of the church, with a row of paving stones in front of it. The bench bears a plate inscribed, "This seat has been donated by the people of Hinchley Wood in commemoration of the Silver Jubilee, 1977 of Queen Elizabeth II".

3.3 Burial plots within the garden

- a. The garden is laid out in contiguous burial plots for the interment of ashes, each 1 foot square (about 30 cms square); there is no space between burial plots.
- b. Burial plots are to be used solely for the burial of human cremated remains.
- c. A detailed plan of the burial plots, their location and their occupation is kept by, or on behalf of, the Vicar.

4. Maintenance of the Garden

- 4.1 The maintenance of the Garden is the responsibility of the Churchwardens and the PCC

- 4.2 The Churchwardens and the PCC will endeavour to keep the garden in respectably good order.
- 4.3 The planting scheme in the garden will be as follows:-
- The garden generally shall be laid to grass, and only to grass, by way of a lawn. From time to time, re-seeding or re-turfing may need to be performed.
 - There is a limited variety of plants and shrubs planted against the north wall of the church, and behind the bench by the north porch, and also between the path and the boundary fence on the north side. This planting is at the discretion of the PCC and the PCC may change the planting there at any time. It would not be practical to dedicate any of those plants by way of a memorial.
 - Nature will of course strive to diversify the planting, and the PCC will strive to revert the planting to conform with this policy.
- 4.4 The Garden will be mowed from time to time to maintain the lawn in a respectable and tidy manner. To facilitate mowing, the grassy area needs to be free of any obstructions.
- 4.5 In tending the Garden, the PCC will bear in mind that the Church is an Eco-church and give due consideration to policies arising therefrom. In particular, in the promotion of growth, control of moss and weeds, and the control of other pests, we would use effective ecologically friendly products wherever practical.
- 4.6 In conducting any work affecting the paved area on which the dedication stone is placed, care must be taken to preserve the datum point (the point from which all measurements are taken in the Garden to locate plots, etc.), which is at the liturgical north-eastern corner of that paved area, and the baseline (providing the liturgical east-west axis for those measurements), which runs through the datum point and a point at the north-western corner of that paved area.
- 4.7 A detailed document supplementary to these regulations and policy shall be prepared for the guidance of those locating and preparing burial plots, including such further details of the datum point and the baseline as appear necessary. That document shall become effective when it has been approved by the PCC.

5. Access to the Garden

- 5.1 Access to the Garden is by the gate to the left of the front of the Church, by the tower. The gate will not normally be locked, but the PCC request that it be kept closed to deter larger animals from entering.
- 5.2 From time to time, but exceptionally, the PCC may consider it reasonably necessary or desirable to restrict or deny access to the Garden :
- a) in order to preserve the Garden in good order,
 - b) for the security of the church,
 - c) for the safety of visitors, or
 - d) for the performance of works of construction, maintenance, or decoration on the Church or its grounds.
- 5.3 In restricting or denying access to the Garden, and in allowing anything to occur on or by the Garden, the PCC shall bear in mind that the Garden contains the ashes of its parishioners, and others, and shall strive to ensure that what occurs in the Garden is undertaken as decently and respectfully as possible.

6. Rights of Interment

- 6.1 A parishioner has a right to the burial of their cremated remains ('ashes') in the Garden of Remembrance. The ashes of non-parishioners may be buried there if the Vicar, having due regard to any general guidance given by the PCC, consents; during an interregnum, the priest in charge, if any, undertakes this responsibility, whom failing the rural dean of the deanery in which the parish is situated.
- 6.2 Applications for the interment of ashes must be made to the Vicar, who will decide the place of interment.
- 6.3 The names of those whose ashes are interred, together with details of where they are interred, will be recorded in the Burial Register to be kept in the Church safe by, or as directed by, the Vicar.
- 6.4 It should be noted that the scattering of ashes is contrary to Church of England doctrine and is not permitted in the garden, or anywhere else on church property.

7. Reservation, etc., of burial plots

- 7.1 Burial plots cannot be reserved without a faculty from the Chancellor of the Diocese. The vicar may, however, note a desire for someone, eventually, to have their ashes interred in a particular place in the garden. Whilst it is desirable that such wishes should be met if practical, there can be no assurance that they will be met. Note that in any event no vicar can bind his successor.
- 7.2 Each burial plot is intended for one person only. Exceptionally, more than one person's ashes may be interred in the same plot provided that they are interred at the same time and that the Vicar consents.
- 7.3 Given the size of the burial plots, it is not practical to inter ashes at such a depth as to allow a later interment in the same plot. Every interment must be covered by sufficient soil to prevent their disturbance when weeding or re-turfing the garden, or by the process of erosion.

8. Preliminaries to interment

- 8.1 The representatives of the person being interred must first communicate with the Vicar to arrange a date and time for the interment of the ashes, and to obtain any necessary permissions.
- 8.2 Where a faculty exists reserving a plot, this should be drawn to the Vicar's attention.
- 8.3 Where the person being interred had made a request as to the location of the plot for their interment, this should be drawn to the Vicar's attention.
- 8.4 The form of the service of interment should be discussed with and approved by the Vicar.
- 8.5 The Vicar will identify what documentation needs to be produced in advance of the service of interment, to whom and when, and will identify what documentation is needed to verify the identity of the ashes at the service of interment itself. The Vicar will also ensure that the representatives of the person being interred are aware of this policy.

For information only : It is usual for a crematorium to dispatch ashes with a letter or some other means of identifying whose ashes they are. The former requirement, for

a cremation certificate (form Cremation 5) to accompany cremated remains, has been removed permanently by the Cremation (England and Wales) (Amendment) Regulations 2022, which came into effect on 25 March 2022.

- 8.6 Where anyone expected to attend the service of interment has any particular needs which it is desirable to accommodate, this should be raised with the Vicar, or the minister who will preside at the interment, if different, in good time so that reasonable consideration can be given to meeting those needs.
- 8.7 Whilst ashes will be interred in a bio-degradable bag, it would be desirable to discuss in what container that bag will be transported to the Church, and how the bag of ashes will be removed from that transport container at the time of interment.

9. Manner of Interment

- 9.1 It should be noted that the absolute outer limit of each plot is 1 foot square. It is not practical to dig a hole for an interment as big as 1' square : to do so would unacceptably risk encroaching on another interment, or a later interment encroaching on the one being prepared.
- 9.2 Given the limited area in which to work, it is not practical to dig to any great depth.
- 9.3 The hole for interment should be prepared in good time before the service of interment, and protected against disturbance by the weather, or otherwise.
- 9.4 A service of interment shall be held, during which the ashes will be interred. The form of the service shall be approved by the Vicar after discussion with the representatives of the deceased.
- 9.5 The ashes shall be buried without their container, but it is desirable that they are contained in a bag made of stout paper or other biodegradable material. Remains will not be buried in a casket, urn, box or container, even if it is made of a biodegradable material.

***For information only** : Enquiries have been made of local crematoria, Kingston and Randalls Park. They can, and usually do, dispatch ashes in a respectable paper or bio-degradable closed bag, within a respectable cardboard box. Nonetheless, this requirement should be made clear to the crematorium before the cremation takes place. Where undertakers or funeral directors are involved, the ashes would normally be passed to them. Where relatives choose to deal directly with the crematorium, the ashes would be passed to the relatives themselves.*

10. Book of Remembrance

- 10.1 A memorial 'Book of Remembrance' will be kept in the Church in which entries may be made, subject to the approval of the Vicar, by a calligrapher approved by the Vicar.
- 10.2 Entries in the Book of Remembrance are made by the month of death of the individual. Within the month entries will naturally tend to be chronological, but will not necessarily be so.
- 10.3 The Book of Remembrance is kept in a glass topped wooden display case in the Church. The PCC will endeavour to ensure that the book displays the page for the current month. Where entries for a month span several pages, the PCC will make arrangements for the turning of those pages in the course of the month in question.

- 10.4 From time to time the Book of Remembrance will need to be sent away to the calligrapher for the inscription of further entries, or otherwise for repair, preservation or conservation.
- 10.5 Anyone wishing to view a particular entry which is not currently on display may do so by arrangement with the Vicar or a churchwarden.

11. Memorials at the Garden of Remembrance

- 11.1 Our Garden of Remembrance is designed as a tranquil space with no permanent markers, other than the Dedication Stone. Anyone whose ashes are buried in the Garden of Remembrance may be recorded in the Book of Remembrance, as set out above.
- 11.2 No marker, plaque or memorial may be placed on the burial plot.
- 11.3 No marker, plaque or memorial may be placed on or by the Garden of Remembrance without express faculty authority from the diocese.

Existing plaques, etc.

- 11.4 The faculty for the Garden of Remembrance grants no permission for any plaques, memorials or markers to be placed on or by the Garden of Remembrance, other than the one Dedication Stone.
- 11.5 There is a number of plaques, etc., at the edge of the Garden of Remembrance by the wall of the church, for which no approval can currently be traced.
- 11.6 Those plaques may not now be moved, altered or removed without express faculty approval.
- 11.7 Should any modification of, or addition to, any of those plaques, etc., be made without faculty approval, the entire plaque would cease to be an existing plaque.

Future plaques, etc.

- 11.8 The PCC will remove any plaque, etc., placed after 28th February 2022, without faculty approval, on or by the garden.

Floral tributes

- 11.9 Flowers, or good quality artificial flowers, may be placed at the foot of the Dedication Stone but not on the burial plot. Both natural and artificial flowers will deteriorate after periods of time. The PCC may remove flowers of whatever kind and wreaths at their discretion if it judges them to be unsightly, and all artificial flowers after two months.
- 11.10 Where flowers or arrangements of flowers are clearly excessive in quantity or size, the PCC may judge them to be unsightly.
- 11.11 All flowers must be unwrapped from their cellophane or other wrappings, which otherwise would accelerate the decay of cut flowers and obscure the sight of any flowers. Should unwrapping have been overlooked, the PCC may itself remove all wrappings, and if that cannot conveniently be done, remove the flowers entirely.
- 11.12 The tying of a bunch of flowers with ribbon, raffia, etc. does not of itself constitute wrapping.

- 11.13 This policy does not permit the planting of flowers or other plants by way of a memorial on or by the Garden.

Care and maintenance of the Garden

- 11.14 The above does not affect the proper and respectful moving and subsequent replacement, on behalf of the PCC, of items by or on the Garden, as part of the care and maintenance of the garden or church.

12. Fees

- 12.1 The fees for the interment of ashes are contained in the current Parochial Fees Order.
- 12.2 The fees for inscriptions in the Book of Remembrance shall be fixed by the PCC.

13. Moving, removing or otherwise disturbing interred ashes.

- 13.1 This section applies only to ashes interred in this Garden of Remembrance. It is not a general guide to the subject.
- 13.2 The general principle is that when someone's ashes are interred in the Garden of Remembrance, it is their final resting place. Neither the incumbent, nor the churchwardens, nor the PCC, individually or collectively, have any authority to remove or disturb any interred ashes. Nor may they let anyone else remove or disturb them, except as provided by law. The interment of human remains is final. Exhumation happens only in exceptional circumstances.
- 13.3 The laws currently relating to ashes in the Garden of Remembrance appear to be as follows.
- a) By s.25 of the Burial Act 1857, "it is an offence for ... any human remains which have been interred in a place of burial to be removed" unless :
- the remains are removed in accordance with a faculty granted by the consistory court of the diocese, or certain other ecclesiastical courts;
 - if the remains are not to be re-interred in ground consecrated according to the rites of the Church of England, it would seem that an exhumation licence also needs to be obtained from the Ministry of Justice.
- b) By Schedule 5, para. 6(1), of the Coroners and Justice Act 2009, a senior coroner may order the exhumation of a person's body in specified circumstances relating to the conducting of a post-mortem examination, or a criminal investigation. (It is hard to envisage, though, when such an order would be made for cremated remains.)
- c) In respect of an exhumation licence issued through the Ministry of Justice, reading the notes on its application form indicates that the licence does not permit the disturbance (at all) of any human remains except as specified in the licence, and that the licence is permissive and does not itself provide any authority for its holder to access the grave.

This sub-section is for initial guidance should a problem arise, but it is neither exhaustive nor authoritative, nor can it anticipate future changes in the law.

- 13.4 The Garden of Remembrance will regularly need maintenance, as covered in paragraph 4 above. Beyond maintenance, though, it might suffer damage or its plots might be disturbed,

deliberately or otherwise. Remediation should not be undertaken before consulting with the diocese (initially via the archdeacon) and obtaining the proper authorisation.

References

- *Canon B.38*
- *Ecclesiastical Jurisdiction and Care of Churches Measure 2018, s.88 (superseding the Church of England (Miscellaneous Provisions) Measure 1992, s.3)*
- *The Burial Act 1857*
- *The Cremation Acts 1902-1952*
- *The Coroners and Justice Act 2009*

NB There does not appear to be an earlier documented policy for the Garden of Remembrance. In preparing this policy, the PCC tried to conform to previous requirements and practice, but this policy (subject to the Faculty of 1978) does supersede everything that went before.