

SAFETY OF MEMORIALS IN CHURCHYARDS

GUIDELINES FOR PROCEDURE

General guidance

1. The PCC has a duty to the public to maintain the churchyard in a safe condition which must not be ignored. The parish should not hide behind the fact that the family of the deceased has the ownership of the grave and primary responsibility for it, nor that it is a closed churchyard where responsibility for maintenance has been taken over by the Local Authority.
2. If a parish has any concerns or queries they should consult the Registrar or Archdeacon.
3. The Guidance contained in "Managing the Safety of Burial Ground Memorials - practical advice for dealing with unstable memorials" produced by the Ministry of Justice should be followed.
<http://www.justice.gov.uk/downloads/burials-and-coroners/safety-burial-grounds.pdf>
4. Some memorials may be listed in their own right and if so an individual faculty will be required for any action taken to make safe or for remedial work. Listed Building Consent is not required as this is now covered by the Ecclesiastical Exemption.

PCC Responsibilities

5. All gravestones, tombs and vaults should be inspected at least annually by a Churchwarden or person nominated by the PCC and a record of the inspection maintained. Each stone should be physically handled to check for loose mountings, disintegrating mortar or undue spalling caused by age or frost, thus rendering the stonework unsafe. However, persons carrying out the inspection should take care to push the stone away rather than pull it towards them. The stone must be sufficiently secure so that it would not topple over if someone held onto it to help themselves up if they had knelt down to read the inscription. It is not expected that every memorial stone will be vertical -if one is leaning but meets the above test no remedial action is necessary.
6. If any stones need attention the families of the deceased should be contacted.
7. If any stones are in a dangerous condition they should be roped off immediately and laid flat at the earliest opportunity **after consultation with the Archdeacon and notifying the Registrar** and contacting the families if possible. The work is best done professionally but whether being done professionally or by volunteers the Insurance Company must be informed and their advice followed. A confirmatory faculty must then be applied for within 3 months.
8. If there are stones which are not imminently dangerous but are a cause for concern and the PCC think they should be laid flat then a faculty must be applied for.

Either in the confirmatory faculty or initial faculty for laying flat or in a separate additional faculty to be submitted within 12 months of the issue of the first faculty the PCC must submit their proposals for the long term future of the memorials. Where ever possible the memorials should be reinstated to maintain the character of the churchyard and the setting of the listed church.

Local Authority Responsibilities

9. The Local Authority has the authority under Health and Safety Legislation, which over-rides everything else, to make safe a memorial stone by laying it flat if they consider it to be imminently dangerous. However a confirmatory faculty is required. If a Parish or families of the deceased are concerned about the action taken by the Local Authority they must contact the Local Authority concerned.

10. In a closed churchyard where the Local Authority has taken over responsibility for maintenance it is also responsible for the inspection of and safety of memorials. A faculty is required for the inspection and any subsequent remedial action. The DAC will expect the procedure to include the following, otherwise conditions will be imposed on the faculty:
 - Publicity prior to the inspection by notices in the churchyard and in the press.

 - Prior to the safety testing, a survey of the memorials shall be carried out by the Local Authority Conservation Officer and/or the Church Architect to identify memorials of special local, historic, artistic or architectural significance. If any identified in this way are found to be unsafe they should be cordoned off pending advice from the church architect and/or conservation officer on how to make them safe and/or reinstate them.

 - A visual check and hand test and if necessary for larger heavier memorials, an assessment by a specialist engineer. The routine use of mechanical test instruments as inspection tools is not recommended.

 - Unsafe memorials should be cordoned off immediately and warning notices posted. If imminently dangerous a temporary support can be provided or the memorial could be laid flat as a last resort.

 - Every effort shall be made to ensure that any memorial which has been staked or laid flat shall be restored to its original condition in order to maintain the character of the churchyard and the setting of the church.

 - Family members should be contacted where possible and advised to arrange with monumental mason to reinstate or remove memorial.

If families of the deceased cannot be located or are unwilling to carry out the reinstatement of unsafe memorials then a faculty application must be submitted within 12 months of the date of the faculty being granted to reinstate, lay flat or remove the memorial.