

Re-use of Churchyards for further burials

Historic churchyards will have been buried in many times over, and in some cases the earliest burials will go back to pre-Christian times. It only became customary to bury in coffins and to mark burials with enduring memorials in relatively recent times. Previously, most people were buried in shrouds, and any memorial would have been fairly temporary, often made of wood rather than stone.

The Government is concerned about the shortage of space for burials, especially in towns and cities, and has been encouraging re-use of burial space for several years.

The legal situation is that if the churchyard has not been closed by Order in Council (and you can check by contacting The Ministry of Justice, Coroners and Burials Division, 3rd Floor, 102 Petty France, London SW1H 9AJ coroners@justice.gsi.gov.uk 0203 334 6390), then it is perfectly lawful to re-use a churchyard that has already been used previously.

Three issues arise, however:

1 In many cases, there may be existing memorials commemorating those whose remains are buried in those plots. Those memorials may be removed only by Faculty. If you have in mind to re-bury across a segment of the churchyard, it would be sensible to apply for a Faculty to cover the whole of that area, after attempting to contact as many families as possible of those commemorated by the existing memorials.

2 There may be Faculties granted over the years, reserving spaces to particular individuals or families. On no account should these spaces be used until the reservation period has expired. Many of the older Faculties (those granted during the 20th century), are likely to have been for 100 years. Since the turn of the century, the Chancellor's policy has been to grant them in almost all cases for 25 years. You will need to check your records in every case. Families commonly assume that if a loved one is buried in the churchyard, that gives them some claim to further family burial in it. However, that is not the case unless a Faculty has been granted. Nevertheless, there will be pastoral issues to consider if such a claim is made.

3 There are health and safety issues to consider, and aesthetic concerns. Depending on soil conditions, the human remains, coffins, and coffin furniture etc will have become unrecognisable over a period, but that period varies from place to place. A local undertaker might be able to give you advice on this. There are obvious health issues about disturbing remains that might release disease, and aesthetic concerns about digging up recognisable remains (skulls, thigh bones etc). In the past, it was common to remove remains like that and put them into a charnel house, but nowadays they tend to be put to one side and re-buried in the same plot but deeper, or in an adjoining plot made available for the purpose.

So in principle, re-use of existing plots can be undertaken but in practice there are some difficulties. There are differences of opinion in the diocese about the policy of reusing churchyards when it might otherwise be possible to obtain closure orders and then to pass responsibility for longer-term maintenance over to the local authority. I have no comment to make about that debate, but you may want to take it up with your Archdeacon before you come to a decision about what should be done in your case.

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