LEICESTER DIOCESAN REGISTRY

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Procedure for closing a Church of England churchyard to further burials by Order in Council under section 1 of the Burial Act 1853

1. The application is dealt with by the Ministry of Justice.

2. You will need to download the forms and guidance notes from the Government website. Please read the guidance notes before completing the relevant forms and notices.

3. Completed application forms must be sent to: Coroners and Burials Division
Ministry of Justice
102 Petty France
London
SW1H 9AJ

4. Documents required to be sent with application form:

- copy PCC resolution to close the churchyard
- 2 maps of the burial ground in 1:1250 scale
- Relevant part of application form completed by the local authorities:
    - Part B if a request to transfer maintenance responsibility is to be made in due course
    - Part C if there are no plans to request the transfer of maintenance responsibility in the immediate future

5. Grounds for application are:

- no usable space for new graves
- further burials would be contrary to decency
- discontinuance of burials would prevent or mitigate nuisance
- further burials would constitute a health risk

6. The need for financial support to maintain a burial ground is not a ground for closure NB local authorities have discretionary powers to provide such support in any event.

7. The order for closure of a churchyard on the grounds that it is full will be made subject to exceptions allowing further burials e.g. in existing reserved graves spaces and existing family graves, provided that there is sufficient room.

8. Responsibility for maintenance may at the request of the PCC be transferred to the relevant local authority. The transfer is:

- compulsory
- not dependent on the condition of the churchyard in question
- not dependent on the local authority's ability to meet the additional maintenance costs