

# **Sourton Parish Council**

## **Closed Churchyard Policy**

### **1. Responsibility for maintenance of a closed Churchyard.**

In November 2018, Sourton Parochial Church Council served a written request requiring the Parish Council to take responsibility for the areas of closed churchyard of the Church of St. Thomas a Beckett, Sourton, subject to Ministry of Justice Closure Orders dated 6<sup>th</sup> March 1902 and 2<sup>nd</sup> October 1998.

Sourton Parish Council therefore RESOLVED at the Parish Council meeting in December 2018 to continue to take responsibility for the maintenance of the closed section of churchyard to a decent standard, henceforth.

### **2. The standard of maintenance**

There is no statutory guidance on the appropriate standard to which a closed churchyard should be maintained. Advice given to wardens is worth quoting-

*“To see that the churchyard is kept in a decent and fitting manor, that it is cleared of all rubbish, muck, thorns, shrub and anything else that may annoy parishioners when they come into it”*

Under section 5.6 of the care of Churches and ecclesiastical jurisdiction measure 1991 (in force from 1<sup>st</sup> March 1993), the powers, duties and responsibilities of a PCC with respect to the care and maintenance of churchyards (both open and closed) extends to all trees therein, including those proposed to be planted. When the maintenance of the closed churchyard was transferred to Sourton Parish Council the responsibility for the trees was transferred as well, meaning that the council will have to keep the trees trimmed and will be responsible for lopping or felling trees which are dangerous or diseased. The trees remain under Faculty jurisdiction and a faculty must be sought prior to work being undertaken. Responsibility also extends to the repair of walls, fences and gates. Responsibility for maintenance includes the maintenance of paths which cross a churchyard up to the standard of “decent order” as well as cultivated and uncultivated areas

The ordinary maintenance of monuments and tombstones is not the responsibility of PCC or Sourton Parish Council but of the owners, who are usually the heirs of the person commemorated.

When work is necessary to a memorial for safety reasons, the Parish Council will take the following actions:

- Inform the PCC and incumbent
- Search Sourton PCC and Church records.
- Place waterproof notices on the memorials for a period of 12 months
- Place notices on Church and parish notice boards for a period of 12 months
- An advert in local newsletter (BASE)

- An advert on Sourton Parish Council website

Where the heirs or other owners cannot be traced, Sourton Parish Council will be responsible for dealing with dangerous monuments to keep the closed churchyard in decent order. The Parish Council is subject to Faculty Jurisdiction and will establish permission from the Church of England before any action is taken to repair or remove monuments.

The obligation to “maintain” memorials is likely to extend to a duty to ensure they do not topple over. Sourton Parish Council will take reasonable steps to ensure the health and safety of employees (contractors) working in churchyards in accordance with their duties under S.2 of the health and safety at work act 1974.

Sourton Parish Council will use the service of a qualified monumental mason for advice and site inspection as and when it considers it necessary to ensure the safety of monuments.

Responsibility for the churchyard does not include responsibility for any Church, Chapel, or other building (such as a shed or bier house) in or adjacent thereto.

Whilst responsible for the maintenance, Sourton Parish Council is not the owner or tenant of the churchyard. It cannot therefore prevent the incumbent and the PCC from exercising their powers over the churchyard (e.g. to allow the interment of cremated remains).

Sourton Parish Council will inspect the closed section a minimum of twice a year to establish what actions if any may be required to continue to maintain it in good order. A tree survey will be conducted every three years.

Sourton Parish Council will employ a person/persons to cut the grass during the growing season.

Sourton Parish Council will keep a ‘Churchyard record book’, detailing all actions and work undertaken to ensure safety of the closed Churchyard.

Sourton Parish Council has no obligation to undertake improvements to the churchyard.

## MEMORANDUM OF UNDERSTANDING

This is an agreement between Sourton Parish Council (PC) and Sourton Parochial Church Council (PCC) in regard to the maintenance and upkeep of the closed sections of Churchyard, as shown on the attached map from closure order.

Since the official closure of the churchyard on 6<sup>th</sup> March 1902 and 21<sup>st</sup> October 1998. The Parish Council accepted responsibility for maintenance in December 2018. [Local Government Act 1972 S.215\(3\)](#). The closed churchyard remains under Faculty Jurisdiction.

For ease, the PC will be responsible for:

- Grass cutting
- Employees claims
- Notifying the Incumbent and Church Warden of any Health and Safety concerns
- The maintenance of the hedges, trees, paths and gates.
- Any remedial work arising from Health and Safety concerns.
- Public claims.

The PCC will be responsible for:

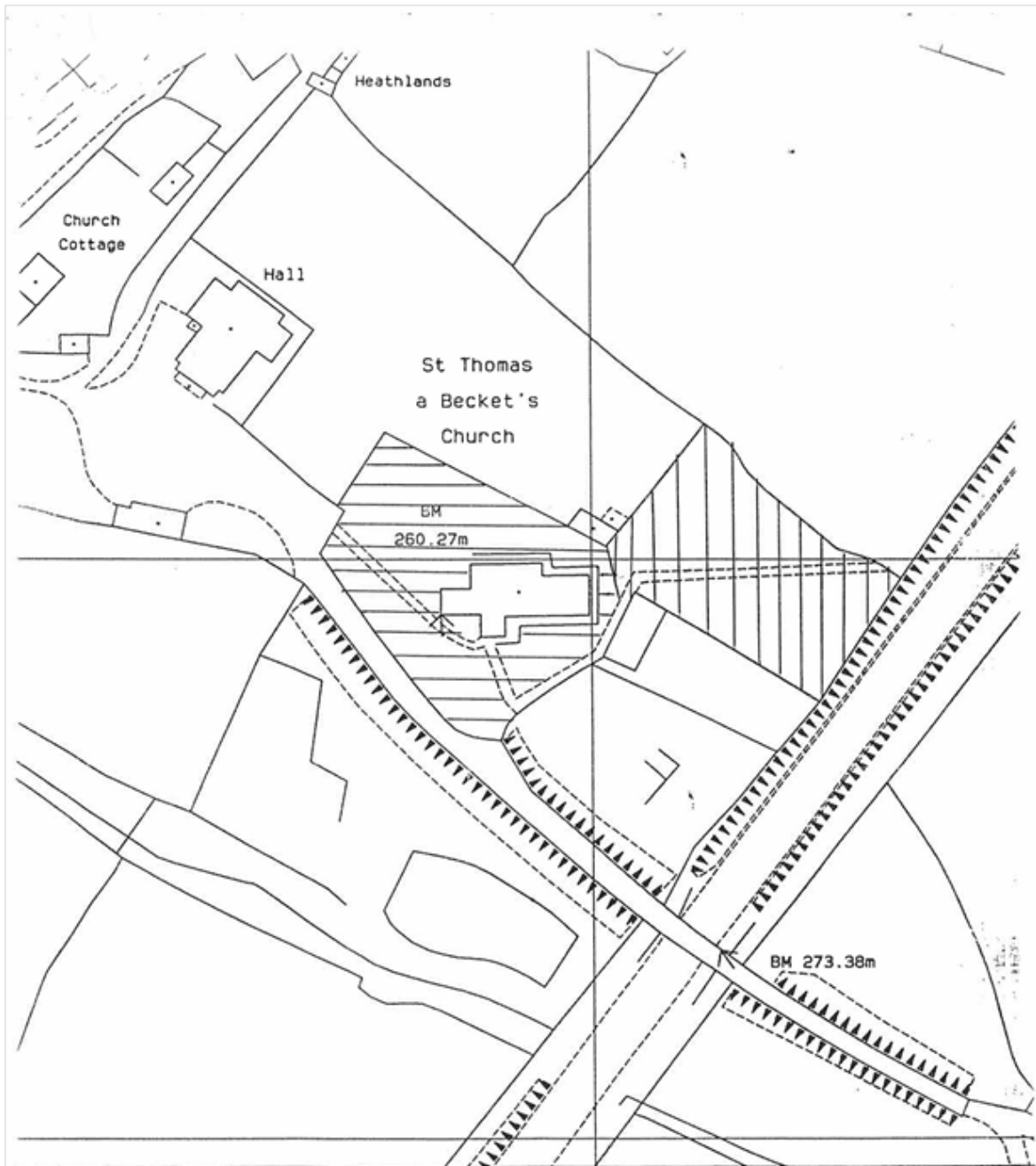
- Liaising with volunteers in regard to any works undertaken
- Maintenance of PCC assets

The Parish Council and the Parochial Church Council will keep a logbook, keeping a record of:

- Inspections
- Dates of grass cutting
- Work completed by volunteers

This will be shared with both councils on an annual basis, and the Parish Clerk will be responsible for its upkeep.

Both councils will work together to periodically review this memorandum, ensuring it continues to reflect shared goals and remains appropriate to the circumstances at the time.



The Old Churchyard of St Thomas a Becket, Sourton, Okehampton, Devon

	Area closed by an Order in Council dated 6 March 1902
	Area to be closed

This policy was adopted on	June 2026
Signature Of Chairman	C Mott
Date of next review	June 2027