

Guide to the Reservation of a Grave Space.

If you reserve a grave space it means that a particular space will be set aside for the burial of your body when you die. Although you reserve a particular space, you do not “own” that space. It still belongs to the church. All you obtain by a reservation is the right to be buried in that space, so long as you die whilst the reservation is still current. Reservations are always time limited, although a reservation may be able to be renewed.

Reservation is a legal process, requiring a permission (“known as a “faculty”) from the Consistory Court of the Diocese of Lichfield. The Chancellor is the judge of that Court.

1. A FACULTY IS ESSENTIAL:

No grave space may be reserved without a faculty. Details of the procedure for applying for the reservation of a grave space can be obtained from the Registry. Grave spaces are a limited resource and there is no absolute right to a reservation of one.

2. MATTERS THE CHANCELLOR MAY TAKE INTO ACCOUNT ON APPLICATION FOR A FACULTY RESERVING A GRAVE SPACE:

Space in churchyards is limited. When deciding whether to grant a Faculty permitting the reservation of a grave space, the Chancellor will consider the application form and any supporting documents. The following principles and considerations may apply:¹

- (a) The reservation of a grave space is entirely within the discretion of the Consistory Court, to be exercised having regard to the particular circumstances of the particular case.
- (b) The Court will be more inclined to grant a faculty to a petitioner with the right to be buried in the churchyard when they die, than to one without such an entitlement. Those who have such a right are the persons resident within the parish, and those on the electoral roll of the parish church, when they died (also others who happen to die in the parish).
- (c) The Court may nevertheless grant a faculty to a petitioner with no right to be buried in the churchyard where they can demonstrate a personal, or a substantial family, connection to the church and/or its churchyard, or some other good and sufficient reason to be buried there.
- (d) Where there is sufficient space within the churchyard, and the incumbent gives consent, the Court may well grant a faculty to such a petitioner, unless the

¹ The law is more fully set out and adopted in Re St Mary, Thame [2022] ECC Oxf 2 (especially @ [27]), Re St Mark, Ocker Hill Tipton [2022] ECC Lic 4, Re St Mark, Ocker Hill Tipton [2022] ECC Lic 5, and Re St. John Stockcross [2023] ECC Oxf 8

Parochial Church Council (“PCC”) has a policy of opposing the reservation of grave spaces (for the making of such policies, see below).

- (e) Such a policy cannot be conclusive, and it cannot remove the Court’s overarching and final discretion; but where the PCC has adopted a policy that is considered, reasonable and fair, the Court will only be justified in departing from that policy in exceptional circumstances; and anyone seeking to reserve a grave space in the face of such a policy will need to show that their case is markedly out of the ordinary.
- (f) Where, however, the **remaining space within the churchyard is limited**, then **a faculty will not normally be granted**, and the petitioner will have to demonstrate sufficient justification for the Court to take the exceptional course of allowing a reservation in such circumstances. This is because of the risk that such a reservation will prejudice the rights of those parishioners or worshippers who would otherwise be entitled to be buried in the churchyard.
- (g) Even where such a justification is demonstrated, it will not usually be right to extend the duration of the faculty beyond the period for which the churchyard is likely to have space for burials, unless there are exceptional circumstances (including evidence of a particularly strong connection to the church and/or the churchyard) in favour of doing so.
- (h) Should a faculty for a grave space reservation be granted for a limited duration, it remains open to the petitioner to apply for an extension of the period of its validity. Whether or not any extension is to be granted will depend upon the prevailing circumstances at the time of application, including: (i) the petitioner’s personal circumstances; (ii) whether arrangements have been made to provide additional space for burials (whether by the acquisition of further land, or the re-use of parts of the churchyard), or otherwise; (iii) the views of the incumbent; and (iv) any current policy of the PCC towards the reservation of grave spaces.

In general, it will be unlikely that grave spaces will be reserved for more than 25 years and, if the church yard is likely to be full in 5 or fewer years, then a reservation is likely to be refused (save in exceptional circumstances). If the church yard is predicted to be filled between 5 and 25 years, any faculty is likely to be limited to the period during which spaces should be available (but such a limited period faculty will usually contain a provision allowing for renewal of the application in its last six months of validity).

3. A RECORD AND A MARKER IS REQUIRED:

When a grave space has been reserved it is important that a proper record is kept of its location and of the fact of reservation. The reserved plot should be recorded on a plan of churchyard.

The grave space should also be suitably marked on the ground by a marker which is sufficiently visible and durable to ensure that the reservation is readily noticed.

In churchyards where grave spaces have been reserved, the incumbent and the PCC should decide upon a suitable standard form of marker for the reserved spaces.

In a churchyard where a standard form of marker has been agreed upon by the incumbent and the PCC that form should be adopted unless the petitioner can establish, on application to the Chancellor, that exceptional circumstances exist justifying the use of a different form of marker.

The marker is paid for by the petitioner.

4. A POLICY IS RECOMMENDED:

It is open to a Parochial Church Council to adopt a policy stating that it does not support the reservation of grave spaces in its churchyard, or otherwise limits the reservation of grave spaces (for example, limiting the reservation to a period reflecting when the churchyard is likely to be full).

Such a policy is not binding on the Chancellor and an application seeking a faculty to reserve a grave space in such a churchyard will be decided on its merits. However, very considerable weight will be given to such a policy and the applicant for a faculty will have to show exceptional circumstances to justify a departure from such a policy.

In parishes where such a policy has already been adopted at the date when these Regulations come into effect the policy shall remain in force unless and until it is reviewed by the PCC.

If a PCC wishes to adopt such a policy in future, its proposal to that effect shall be submitted to the Chancellor (and can be included in an application for approval of a Parish Churchyard Policy). In seeking approval for such a policy the PCC should set out the number of available spaces in the churchyard; the recent average annual number of interments; and the PCC's reasons for wishing to preclude the reservation of grave spaces.

Dr Anthony Verduyn

Chancellor of the Diocese of Lichfield

Easter Sunday, 5th April 2026