

SAFETY IN BURIAL GROUNDS

Notes prepared by the
Salisbury Diocesan Registry
for those with the
responsibility for
churchyards

Is your churchyard safe?

It is important that clergy and Parochial Church Councils realise that the responsibility for the safety of all visitors to churchyards rests with them. This includes the safety of children who play in churchyards and even those there for the purpose of vandalism. Dangers include unstable monuments, trees from which dead boughs could fall, loose kerbstones and slippery paths. Even when a churchyard has been closed, the PCC has an Occupier's Liability for the safety of visitors to, and those working in, the burial ground. The owner of a memorial (the purchaser or, following his death, the heirs of the deceased) has the legal responsibility for its maintenance, including its safety. The monumental mason has a duty of professional care to the purchaser for ensuring that the monument is stable and secure. However, the ultimate responsibility lies with the "landowner", who is in the case of churchyards, the incumbent and PCC.

Inspection and Recording

The church's Inspecting Architect will check the condition of the churchyard during his quinquennial inspection, but in addition there should be further regular inspections (at sensible intervals depending on various factors) and recording of the condition of all monuments, trees and paths. These additional inspections do not need to be carried out by the architect. Priority should be given to any monuments over six feet high, especially those resting on plinths, and a structural engineer should check the safety of any monument over ten feet high. Inspections should be carried out by at least two people working together, for safety reasons. Before a full inspection of the churchyard is made, there should be publicity about what will be done and why.

Before beginning an inspection, a kit should be assembled, consisting of:

- camera (to record the condition of memorials)
- board which can be marked with the name of each memorial and the date of the inspection to be included in the photograph for identification purposes
- mobile telephone (in case of accidents)
- safety equipment and clothing if necessary
- forms on which to record the condition (good and bad) of stones, pens etc*
- warning tape and notices
- binoculars for inspecting the top of tall monuments
- metal stakes and strong tape

At the beginning of the inspection of each monument, a careful visual assessment should be made before it is touched. If necessary, use binoculars for the tops of tall monuments, and also inspect the soil around the base of the memorial to see that it is standing on firm ground.

There should never be an attempt to rock a stone, to discover whether it or not it is stable. Very gentle pressure should be applied, with fingertips at first, gradually increasing in strength. The push test can be dangerous – it is wise to look to see which way it is likely to fall before touching. If a monument is found to be unstable, immediate action should be taken, and depending on the state of the monument, this action could be taken in one of three different forms:

- carefully laying the monument flat on the ground. It is a good idea to use a bed of straw or other material on which to lower the stone to prevent damage to the stone and help to keep it clean. Laying the stone flat will, of course, prevent it from falling and hurting anyone, but it now becomes a trip hazard, necessitating a warning sign.
- driving in a special metal stake and binding the stone to the stake with strong tape (again, leave a warning/explanatory sign)
- fencing off the unsafe area and displaying warning notices.

You are advised not to use the words “danger” or “dangerous” on your notices, as having found something to be dangerous, you would be liable if you had taken no action to remove the danger. It is better to use such terms as “caution” and “warning”. Warning signs alone are not sufficient: fencing should be placed around unsafe memorials.

In order to draw attention to the risk of danger from unstable stones and flat stones which could be a trip hazard, brightly coloured plastic bags could be put over them.

If a stone is found to be leaning at an angle greater than 5° from the vertical, or to be cracked, the owner, if traceable, should be contacted and asked to have it repaired. If, after six months, no repair has been effected, then the PCC should have it repaired or otherwise made safe and pass the cost to the owner of the monument.

In every case where action is taken, a notice should be left on the grave explaining what has been done and why. It has been known for relatives to re-erect a stone which has been laid flat for safety purposes, thus leaving it in an even more dangerous condition!

Oddly enough, old headstones made of one solid slab of stone, even if found to be leaning at an acute angle, are usually very stable because of their monolith construction and the fact that one-third of the stone is buried in the ground. However, some quite recent “lawn type” memorials can be inherently unstable, because the dowels or cement connecting the slabs quickly corrode and disintegrate.

If kerbstones round a grave are found to be a hazard, it is possible to remove them, but it should be borne in mind that removal of the kerbs can itself make the memorial unsafe if they support other parts of it.

The PCC is also responsible for the safety of those working in the churchyard, and should ensure that grave-diggers and other workers employ safe working practices. While being dug, graves should be properly shored and timbered, and ladders should be provided. Petrol for mowers and other equipment used in the churchyard should be safely stored in accordance with instructions.

Every PCC should have public liability insurance, which would cover the cost of any claim against the PCC. However, the insurance company will wish to know that the PCC has taken sensible precautions to prevent such accidents.

Cost Implications

Lack of funding is unfortunately not an excuse for not taking the appropriate action to make a churchyard as safe as possible.

The usual practice is for a one-off payment to be made to the PCC towards the cost of maintenance of the churchyard at the time of the reservation of a grave space or a burial. PCCs should give consideration to charging an annual or other recurring fee and using the fees to set up a trust fund specifically for the maintenance of the churchyard.

It might be possible to insist that the owner of a grave stone or other memorial has public liability insurance and a care and maintenance contract for the stone. If the PCC had a note of the owner's insurance details and the owner could not be traced, then the PCC could make a direct claim on the owner's insurance company.

Closed Churchyards

Claims for compensation arising from accidents in churchyards have been known to be divided between the owner of a memorial (explained above), the monumental mason and the "landowner" (also explained above). However, the most likely scenario is that the claim is made against the landowner (*ie*, the PCC), especially in cases where the owner and the memorial mason have become untraceable over a number of years.

Further Reading

"The Churchyards Handbook" by Peter Burman FSA and The Very Revd Henry Stapleton FSA published by Church House Publishing, Church House, Great Smith Street, London, SW1P 3NZ. ISBN0 7151 75548. The present edition is the recently published fourth edition, price £10.95. Tel Church House Bookshop on 020 7898 1300 for further details or to order.

* *A suggested form for recording the condition of headstones is printed as an Appendix of "The Churchyards Handbook", fourth edition.*