

## **Briefing Note on Churchyard Closure**

At the November Parish Council meeting the following questions were asked:

- i) If the Church propose to close the churchyard, can the Parish Council challenge this? If so how and on what grounds?
- ii) Can the Parish Council refuse to accept a request by the Church to take on responsibility for the Churchyard once closed? How and on what grounds?
- iii) Can the Parish Council apply to MDDC to maintain the Churchyard? How and on what grounds?

I've had correspondence with DALC and discussions with MDDC (Steve Densham - Land Management Officer). MDDC do not provide legal advice to Parish Councils.

DALC are not aware of any mechanism for challenging the closure of a churchyard, but it is a formal process which requires an Order to be sought from the Ministry of Justice so they may consider whether a closure is justified? It is important to view the actual closure order to confirm that the PCC (Parochial Church Council) have applied for a closure order and to ensure that it's not just a declaration of closure on their part.

The Parish Council does not have to accept responsibility for a closed churchyard. See LTN 65 attached which explains the procedure. In summary, once the Churchyard is closed, the PCC may serve 3 months' notice on the Parish Council to take over the maintenance. During this 3 months, the Parish Council can pass the responsibility on to the District Council

Steve Densham (MDDC Land Management Officer) advised that the district would take over maintenance if requested to do so. They would however, require the PCC to hand the churchyard over in a good state of repair to include walls, fences, tomb stones and would require any remedial works to be carried out ahead of the handover.