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**MAY OFFERS****Consecrated Ground**

HORNSEY CHURCH

**St Mary's in 1858, from the Illustrated London News**

**William Arthurs, Treasurer of the Friends, explains the rationale and implications of consecration. William is a member of the Ecclesiastical Law Society. (This article first appeared in the Friends' Newsletter no. 32, Autumn 2002.)**

St Mary's Tower and churchyard are consecrated ground. Ground or buildings are formally set aside for sacred use in perpetuity by the Bishop signing what is called a 'sentence' of consecration, although there is generally a religious ceremony as well.

Hooker's Ecclesiastical Polity sets out the classical Anglican view of consecrated ground. 'Solemn duties of public service to be done unto God must have their places set and prepared in such sort, as beseemeth actions of that regard.' (Book V, chapter XI) 'It behoveth that the place where God shall be served by the whole Church, be a public place... Nor doth the solemn dedication of churches serve only to make them public, but farther also to surrender up that right which otherwise their founders might have in them, and to make God himself their owner... Finally, it notifieth in solemn manner the holy and religious use whereunto it is intended such houses shall be put.' (op. cit., ch. XII) 'Places of public resort being thus provided for, our repair thither is especially for mutual conference, and as it were commerce to be had between God and us.' (op. cit., ch. XVIII)

There is no explicit reference to consecrated ground in the Thirty-Nine Articles.

In the Canons of the Church of England, Canon F13 Of the care and repair of churches stipulates that churches, chapels and churchyards shall be kept in 'an orderly and decent' manner as becomes consecrated ground, and makes provision for repairs under the system of faculties (explained below). Canon F15 Of churches not to be profaned makes churchwardens and their assistants responsible for prohibiting profane meetings in the church 'for temporal objects inconsistent with the sanctity of the place' and for stopping 'riotous, violent or indecent behaviour in [the] church, chapel, or churchyard'. Canon F16 Of plays, concerts, and exhibition of films and pictures in churches stipulates that 'the minister shall take care that the words, music, and pictures are such as befit the House of God...'

Consecrated ground is subject to the ancient system of faculty jurisdiction. In ecclesiastical law, a faculty is a permit to effect some alteration to a church or its contents, or to a churchyard (or to any consecrated area within a cemetery). In mediaeval times, faculties would be granted by the Bishop: nowadays, faculties are granted by the ecclesiastical court, or, in certain straightforward matters (repairs and the like), by the archdeacon under delegated authority. The chancellor of each diocese issues guidance identifying matters that are so minor or straightforward as not to require a faculty: for example, if a proposed churchyard memorial falls within the range of designs considered acceptable, there is no need for a faculty. If an architect is involved in building works, it is his professional responsibility to ensure that all necessary permits, etc., are obtained, including faculties. Where works are carried out requiring, but without prior authorisation by, a faculty, a 'confirmatory faculty' must be sought in retrospect.

Once a churchyard's capacity to accept further burials has been exhausted, it can be formally closed by an Order in Council made under the Burial Act 1853. Under this Act, the Home Secretary, at that date Lord Palmerston, gained the right to close burial grounds in large towns, on grounds of public health: a right which he immediately exercised over the City churchyards. The Order specifies the precise terms of closure (in St Mary's case, that no new family graves were to be started after 1872 and no interments at all from 1892). There is currently no way of re-opening a closed churchyard, although the Home Office have recently consulted on reuse of burial grounds, so new legislation may be forthcoming. Under the Disused Burial Grounds Act 1884, no faculty may be granted for any building on a closed churchyard, except for an extension to an existing church. This prohibition can be overridden, and the land deconsecrated and disposed of for any type of development, if the church and its land are declared redundant, as long as there have been no burials for at least 50 years and no relative or executor of the deceased objects.

If, as a matter of fact, the churchyard has ceased to be used (as distinct from its being formally closed as described above), its care, management and control, can be transferred, subject to faculty, to the local authority under the Open Spaces Act 1906, for use as a public open space. Maintenance obligations can be transferred from the Parochial Church Council to the local authority under the Local Government Act 1972. This is the current position of St Mary's, Hornsey.

In a more agricultural era, it was considered that an incumbent could not graze cattle in a churchyard (this would be an act of profanity, because they might damage the graves and tombstones), but that sheep were permitted. It is hard to imagine how these livestock coexisted with the poisonous yew trees often found in churchyards.

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W.A. 24 Aug. 2002

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