

IN THE CHELMSFORD CONSISTORY COURT

Additional Matters Order No. 3 2020

In accordance with section 78(4) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ("the Measure"), the Chancellor has sought the advice of the Diocesan Advisory Committee before making this Order.

In exercise of the power conferred by section 78(1) of the Measure the Chancellor makes the following order:

1. An authorised person may undertake any matter prescribed in the first column of the table in the Schedule without a faculty—
 - (a) if the archdeacon has been consulted on the proposal to undertake the matter and has given notice in writing that it may be undertaken without a faculty; and
 - (b) subject to—
 - (i) any conditions that are specified in relation to that matter in the corresponding place in the second column of the table; and
 - (ii) any additional conditions imposed by the archdeacon under paragraph 2(b).
2. Where the archdeacon is consulted under paragraph 1(a) on the proposal to undertake a matter, the archdeacon—
 - (a) must seek the advice of the Diocesan Advisory Committee or such of its members or officers as the archdeacon thinks fit before deciding whether to give notice that it may be undertaken without a faculty; and
 - (b) may make the undertaking of the matter subject to additional conditions specified by the archdeacon in the notice.
3. A notice given by the archdeacon under paragraph 1(a) must specify the proposals which may be undertaken without a faculty.
4. The archdeacon must retain a copy of every notice given under paragraph 1(a) and must also send a copy to—
 - (a) the registrar of the diocese for filing in the diocesan registry; and
 - (b) the secretary of the Diocesan Advisory Committee.
5. If the archdeacon declines to give notice under paragraph 1(a) that a proposal may be undertaken without a faculty the archdeacon must inform the applicants that they may, if they wish, petition the court for a faculty to authorise the proposal.

Words and expressions used in this Order have the same meaning as they have in Part 3 of the Faculty Jurisdiction Rules 2015.



The Worshipful George Pulman, QC
Chancellor

Dated this 1st day of JUNE 2020

Schedule

Matter

Specified conditions

Churchyards

Archaeological investigations and the digging of trial pits

1. The investigations and trial pits are external only.
2. The purpose, location and a timetable for the excavation of test pits and trial holes must be discussed and agreed with the Diocesan Archaeological Advisor, together with any requirements for archaeological recording.
3. The test pits and trial holes shall not be backfilled until an archaeological inspection and any necessary recording, if required, has been completed within an agreed timetable.
4. If any human remains are found this shall be notified immediately to the Registrar. Work must stop and the area must be covered from public view. Any further work is to be carried out in accordance with directions from the Chancellor or Registrar.
5. The area of investigation is to be no more than one-tenth of the surface area of the external churchyard.
6. The number of trial holes is to be no more than ten.
7. The investigations are not to have an impact on any known existing burial plot.