

## IN THE CONSISTORY COURT OF THE DIOCESE OF YORK

### PRACTICE DIRECTION [2021] No. 1

#### Repairs to memorials

1. The law as set out in s.66 of the Ecclesiastical Jurisdiction Care of Churches Measure 2018 provides that a consistory court may grant a faculty for the moving, demolition, alteration or carrying out of other work to a monument ... even if the owner withholds consent ... or cannot be found ...
2. However the Faculty Jurisdiction Rules 2015 exclude from Lists A and B and from possible Additional Matters Orders “the introduction of, or the carrying out of any work to, a monument of the kind referred to in section 66 of the Measure.”
3. The General Notes in the heading to Schedule 1 say that: “a matter may not be undertaken without a faculty despite being included in List A or List B if it comprises ..... the introduction of a monument, or the carrying out of work to a monument erected in or on, or on the curtilage of, a church or other consecrated building or on consecrated ground.”
4. The rationale for excluding monuments from Lists A and B was two-fold: (1) they are normally owned by a third-party, and thus the simple procedures could not apply; (2) the scope for poorly executed work in sensitive public places is considerable.
5. However, if the Chancellor is satisfied (1) that there are no issues about ownership or consent within the family and (2) that the work will be carried out appropriately, the Chancellor is prepared to consider granting a dispensation from the need to obtain a faculty in particular cases.
6. The Chancellor will consider such applications provided:
  - (i) that information is available, usually provided by the incumbent, as to who the owner is and that there is no issue regarding the owner consenting or if there is no certainty about ownership what enquiries have been made about ownership;
  - (ii) that the work to be done is fully described, including who it will be done by;
  - (iii) that the Church Buildings Officer has no concerns about that work or the person who will do it.

7. Applications should be made in writing (which includes by email) to the Secretary to the Diocesan Advisory Committee, setting out the information required in paragraphs (i) and (ii) above.

HH Canon Peter Collier QC  
Diocesan Chancellor

19<sup>th</sup> July 2021