

**IN THE CONSISTORY COURT
DIOCESE OF YORK
SCAFFOLDING**

ADDITIONAL MATTERS ORDER NO. 2 of 2023

The Chancellor has sought the advice of the Diocesan Advisory Committee before making this Order.

In exercise of the power conferred by section 78 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 it is hereby ordered that in addition to the matters prescribed in List A and List B by the Faculty Jurisdiction Rules 2015 the matters specified in the Schedule to this Order may be undertaken without a faculty on the condition that the Archdeacon is consulted and has given approval in writing (which includes by email).

Schedule

Matter

Erection of scaffolding on church land for the benefit of works on adjoining land

Specified conditions

The scaffolding is of a minor and temporary nature (not more than 16 weeks duration)

The owner of the adjoining land ("the Owner") must confirm in writing to the PCC that:

- (a) the Owner agrees to comply with the specified conditions;
- (b) the Owner has informed their contractor(s) of the specified conditions'

Where the churchyard is closed and maintenance has been passed to the Local Authority, the Local Authority must be notified of the intended works

The Owner undertakes to lodge a petition for faculty and to pay the petition fee before the expiration of the period of sixteen weeks from the date on which the scaffolding is erected if

the scaffolding will remain in place for more than sixteen weeks.

The scaffolding shall not stand on, or be physically attached to, or be placed in such a way as to affect or put at risk of damage, any memorials, graves or the fabric of the church or other buildings in the churchyard or the church curtilage wall

Where:

- (i) the scaffolding is, by necessity, close to the fabric of the church or other buildings in the churchyard, the church curtilage wall or any memorials, or
- (ii) vehicular access is required over church land

then the advice of the church architect shall be sought and appropriate protection for the affected areas including grassed areas must be put in place to the satisfaction of the church architect (whose fees in respect of the provision of this advice shall be reimbursed to the PCC by the Owner)

The scaffolding shall not block the footpath nor put visitors in the churchyard at risk for their safety

The terms of any access order made under the Access to Neighbouring Land Act 1992 shall be complied with

Ladders must be removed from the scaffolding at night and at weekends/holidays and be

locked away out of sight, or otherwise rendered unusable

There shall be no excavation below the surface of the ground

The minister in charge and PCC must be satisfied that the scaffolding cannot be used as a means of improper or illegal access onto church land or onto the roofs of the church or other buildings

The PCC's insurers have been notified, the impact of the erection of scaffolding upon existing insurance cover has been considered by the PCC (including, in particular, as to the impact of coverage for theft of external and roofing metal) and the insurer's reasonable requirements (including as to the installation of an appropriate scaffolding alarm system) have been complied with

No works may be commenced until a copy of the Certificate of Insurance of the person or entity who has entered into the contract with the Owner ("the contractor") evidencing £10million Public Liability insurance and £10million Employer's Liability risk insurance has been lodged at the Registry [and the Registry is satisfied that the contractor has in place an appropriate level of Financial Loss and/or Professional Indemnity Insurance for the church building in question and the proposed works]

V3 09.10.2023

All those working at height shall take
appropriate safety measures

A handwritten signature in black ink, appearing to read 'Lyndsey de Mestre', written in a cursive style.

Dated 1 August 2024

**Lyndsey de Mestre KC
Chancellor of the Diocese**