

In the Consistory Court of the Diocese of XXXX

Additional Matters Order No XX of 202X

Churchyard Memorial Regulations

1. This Additional Matters Order is made on [date] pursuant to the power contained in section 78 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (as amended).
2. The advice of the Diocesan Advisory Committee has been sought prior to the making of this Order as required under section 78(4) of the Measure.
3. The matters specified in Schedule 1 to this Order may be undertaken without a faculty provided the procedure specified in Schedule 2 to this Order is followed.
4. Should any question arise as to whether a particular proposal constitutes a matter specified in Schedule 1, it is to be referred to the Chancellor by the minister for determination.
5. Application may be made to the Chancellor by the minister in relation to a particular proposed memorial for directions as to matters which are not specified in Schedule 1, but which are of a similar or comparable nature. The Chancellor may direct that such matters be treated as if they were so specified.
6. This Order applies to the whole of the Diocese, save for any churchyard or burial ground expressly excluded by direction of the Chancellor. It does not extend to the consecrated parts of municipal cemeteries operated by local authorities.
7. Particular Churchyard Regulations previously authorised by faculty in respect of individual churchyards or burial grounds will continue in force where applicable until such time as the Chancellor directs otherwise.
8. For the purposes of this order, the term 'minister' shall be taken to mean the incumbent of the benefice in which the burial ground is situated. If there is no incumbent, or the benefice is for whatever reason vacant, then the person acting as priest in charge of the parish or the curate licensed to the charge of the parish shall be treated as the minister. If there is no priest or curate of that description (or if any of the aforesaid persons is unable or unwilling to act), the rural dean of the deanery in which the parish is situated shall be deemed to be the minister. In case of doubt, the matter may be referred to the chancellor whose direction as to who shall be treated as minister for the purposes of this Order shall be conclusive.
9. This order shall come into force on [date].
10. A copy of this Order is to be filed in the diocesan registry in accordance with section 78(5) of the Measure.

Schedule 1

[INSERT TEXT ONCE APPROVED]

Schedule 2. Approval Procedure

The procedure to be followed prior to the undertaking of any matter contained in Schedule 1 is as follows.

- (a) An application in the form annexed to this Schedule is to be sent to the minister (as defined in paragraph 10 of the order);
- (b) Such form is to be duly signed by the applicant(s) and memorial mason;
- (c) If the minister or other authorised person gives permission, this is to be endorsed in writing in the relevant section of the form, whereupon the matter may proceed;
- (d) [If an applicant petitions for a faculty to admit the said memorial, then for that purpose, under rule 20.6 of the Faculty Jurisdiction Rules 2015 (as amended), it is directed that the form annexed to Schedule 2 shall be treated as the petition.]

Important Warning

Any memorial erected otherwise than in accordance with this procedure, or with the authority of a faculty granted by the Chancellor, may lead to enforcement proceedings in which the Consistory Court may order removal of the memorial at the expense of the person or persons responsible, who may also be required to pay the court costs of such proceedings.