

In the Lincoln Consistory Court

An Additional Matters Order 2022

In accordance with section 78 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (“the Measure”) and Rule 3.4 of the Faculty Jurisdiction Rules 2015 (“the Rules”), the Chancellor, having sought the advice of the Diocesan Advisory Committee and the Archdeacon of Boston and the Archdeacon of Lincoln and the Archdeacon of Stow and Lindsey makes the following Additional Matters Order in respect of the introduction of telephone lines through churchyards.

The Chancellor makes the following order effective from 25th October 2022:

1. List A currently permits the installation of a wireless router inside a church but does not cover the installation of a telephone line through the churchyard. Until further notice the installation of a telephone line will not require an application for a faculty if the following conditions are met:-
 - (a) The DAC is informed in writing (which includes by email) of the proposed installation and when the work is to be carried out.
 - (b) The DAC’s archaeological adviser and one of the DAC’s architectural advisers are consulted on the works and their joint approval is obtained. They must be provided with what they accept to be sufficient information on which to give their advice.
 - (c) The route of the telephone line should avoid any known graves and/or memorials, be of shallow depth and avoid deep drilling.
 - (d) If the work uncovers:
 - (i) disarticulated human remains which are necessary to remove to complete the works, the said remains may be removed and reinterred elsewhere in the churchyard under the supervision of a priest.
 - (ii) articulated human remains which are necessary to remove to complete the works, the work shall cease, and further directions obtained from the Chancellor in the Consistory Court.
2. Subject to the terms of this Order, an authorised person may undertake the necessary works to introduce a telephone line through a churchyard so long as the authorised person gives sufficient notice and in sufficient detail for the relevant Archdeacon to be able to assess the impact of the proposed works.
3. Where the Archdeacon has been notified under paragraph 2 she or he may:
 - (a) Consent to the proposed introduction of a telephone line;
 - (b) Require the authorised person to provide more detail as to the proposed works before the Archdeacon decides whether to consent;
 - (c) Refuse her or his consent to the proposed works and state briefly in writing his reason for doing so.

4. Where the Archdeacon has been notified under paragraph 2 and consents to the works, such consent MUST be subject to the conditions set out at paragraph 1 (d).
 - (a) If the Archdeacon makes her or his consent subject to conditions under Paragraph 4, the authorised person must undertake to abide by the conditions.
5. If the Archdeacon refuses her or his consent under paragraph 3(c) the Archdeacon must inform the authorised person that they may petition the court for a faculty for the works.
6. The Archdeacon must retain a copy of every notice given under paragraph 2 and of any subsequent documentation and provide the Registrar with a copy.
7. Before the work begins the incumbent/churchwarden shall send to the Registry, and copied to the DAC, a written confirmation (which includes by email) that the requirements set out above have or will be adhered to (see Proforma at Annex 1).
8. The Parish will notify the Registry and the DAC when the work is complete.
9. No written wayleave or other written grant giving an electronic communications provider rights through the church property is permitted.
10. Interpretation—
 - (a) Any notification of correspondence must be by letter or email, but not by text or any other means.
 - (b) “Authorised person” has the same meaning as provided by Regulation 3.1(5) of the Rules—
 - (i) a person acting on behalf of the minister and churchwardens of the parish concerned (or, if there is no minister, on behalf of the churchwardens);
 - (ii) in relation to a building which is included in the list maintained by the Church Buildings Council under section 38(1) of the Measure, the relevant person or body or a person acting on their behalf; or
 - (iii) a person designated by the Chancellor in respect of a parish or other place for the purposes of this Part.



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REGISTRAR
25th October 2022

UNDERTAKINGS ON BEHALF OF THE PCC/INCUMBENT
BEFORE TELEPHONE LINES ARE INSTALLED

Name of Parish:.....

Completed by:.....

I undertake on behalf of the Parish that I have complied with or will comply with the following requirements:

1. Agreement with the DAC's advisers was reached on 20.... and from the Archdeacon on 20....
2. The work is due to begin on 20.... and the DAC's Archaeologist has been informed of the date and shall be informed if that date is changed.
3. The route of the telephone line avoids any known graves and/or memorials, is of shallow depth and avoids deep drilling.
4. On being informed that the work has uncovered any articulated human or archaeological remains, the work will cease, and the DAC's Archaeologist and the Registry shall be informed.
5. A full record of the works will be maintained.
6. The Parish will notify the Registry, DAC and Archdeacon when the work is completed.

Signature:.....

Date:.....

(Please send to the Registry with copies to the DAC and Archdeacon.)