

In the Ely Consistory Court

An Additional Matters Order 2023

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 makes the following Additional Matters Order in respect of ‘like for like’ replacement electric wall heaters.

The Chancellor makes the following order effective from 30th October 2023:

1. Subject to the other terms of this Order, an authorised person may undertake the replacement of electric wall heaters so long as the authorised person gives details of the works to be undertaken and in sufficient detail for the Archdeacon to be able to assess the proposal.
2. Where the Archdeacon has been notified under paragraph 1 they may:
 - (a) Consent to the proposed work;
 - (b) Require the authorised person to provide more detail as to the proposed works before the Archdeacon decides whether to consent;
 - (c) Notify the authorised person that the proposed works may not be undertaken until the Archdeacon has obtained the advice of the Diocesan Advisory Committee or such of its members or officers as the Archdeacon thinks fit before deciding whether to allow the works and, where necessary consult the Chancellor;
 - (d) Make their consent subject to conditions; or
 - (e) Refuse their consent to the proposed works and state briefly in writing their reason for doing so;
3. If the Archdeacon makes their consent subject to conditions under paragraph 2(d), the authorised person must notify agreement to the conditions.
4. If the Archdeacon refuses their consent under paragraph 2(e) the Archdeacon must inform the authorised person that they may petition the court for a faculty for the works.
5. The Archdeacon must retain a copy of every notice given under paragraph 1 and of any subsequent documentation.
6. The schedule to this Order provides guidance on what may be accepted by the Archdeacons.
7. 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.

Schedule

Matter	Detail
The replacement of wall heaters	<p>1 The replacement heaters must be of a similar overall unit size and surface area facing the congregation as the original heaters, and no greater an increase than 20% in overall size.</p> <p>2 Wiring - Where the same route is to be used for new wiring renewal can be provided under List A.</p> <p>3 Where a different wiring route is to be used, this is to be considered by the DAC and, if it has no effect on the fabric (with the exception of a few fixings for the new wire) than the route presently used, no faculty is required.</p> <p>4 Where the new wiring route will require some intrusion into the fabric (i.e. drilling through a mediaeval beam or through ancient stonework) then the applicant is to apply for a faculty.</p> <p>Where the DAC or the applicant is unsure, they should refer to the Court.</p>

Explanatory Note

(This note does not form part of the Order)

The Chancellor of the Diocese of Ely has made the Additional Matters Order 2023 in order to provide a simple method by which churches can undertake the replacement of wall heaters without being required to petition for a faculty.

The authorised person will make their, and the Archdeacon's, task easier by providing sufficient information without overloading any application with unnecessary detail. Generally, photographs may assist the Archdeacon.