

IN THE CONSISTORY COURT OF THE DIOCESE OF DERBY

In the Matter of sections 77 and 78 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, and requests for the excavation of trial pits prior to faculty petitions

ADDITIONAL MATTERS ORDER made by the Chancellor

Whereas there may be a requirement for the excavation of trial pits within a churchyard to establish the viability of proposed works prior to petitioning for a faculty

And having consulted the Diocesan Advisory Committee

Pursuant to the above provisions and in accordance with Rule 3.4 of the Faculty Jurisdiction Rules 2015, as amended,

I HEREBY ORDER THAT:

Where an incumbent and PCC agree that they wish to excavate trial pits within a churchyard to establish the viability of proposed works prior to petitioning for a faculty

PERMISSION is hereby granted for an incumbent and PCC to excavate trial pits without first obtaining a faculty

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The proposal to excavate and location of the trial pits has first been notified to and approved in writing by the Archdeacon;
2. Any single pit is not to exceed 1m by 1m in area and 1m in depth nor are there to be more than 6 (six) in number;
3. A copy of the Directions regarding the Disturbance of Human Remains must be provided to and observed by any contractor or person excavating the trial pits;
4. The Diocesan Archaeological advisor must be notified of the proposal and his/her directions as to oversight of the excavations must be followed;
5. Any pits must be filled in and the surface made good within 28 days of being dug;
6. An Undertaking in the Form attached is to be completed and sent to the Registry and DAC prior to the commencement of any works.

PROVIDED THAT where the conditions are not satisfied, an interim faculty may be sought.

Timothy J Clarke
Chancellor
12th March 2025

**UNDERTAKINGS ON BEHALF OF THE PCC BEFORE DIGGING TRIAL
HOLES**

Name of Parish:.....

Completed by:.....

Date of Archdeacon's Agreement to Proceeding:.....

I undertake on behalf of the Parish to comply with the following requirements:

1. The works will be overseen by the relevant church architect whose name and address is.....
..
2. The DAC's archaeologist will be informed when the works are due to start.
3. A full record of the works will be maintained.
4. If archaeological or articulated remains are discovered, works will cease immediately and the Registry and the DAC's archaeologist will be informed.
5. The Parish will notify the Registry and the DAC when the work is completed.

Signature:.....

Date:.....

(Please send to the Registry and a copy to the DAC)