



# Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

## PART 4

### FACULTY JURISDICTION

#### *Subject-matter of faculty*

#### 66 Monuments

- (1) The consistory court of a diocese may grant a faculty for the moving, demolition, alteration or carrying out of other work to a monument erected in or on, or on the curtilage of, a church or other consecrated building or on consecrated ground, even if the owner of the monument—
  - (a) withholds consent to the faculty, or
  - (b) cannot be found after reasonable efforts to find him or her have been made.
- (2) The monuments in relation to which a power to grant a faculty under this section is exercisable include a monument erected under or affected by a faculty, whenever granted.
- (3) If the court is satisfied that the matter is of such urgency that it would not be reasonable to require the petitioner to seek the consent of the owner of the monument or to take the steps referred to in subsection (1)(b), it may grant the faculty (even though the consent has not been obtained and those steps have not been taken).
- (4) “Monument” includes a tomb, gravestone or other memorial, and any kerb or setting forming part of it; and a reference to a monument includes a reference to a monument erected after the passing of this Measure.
- (5) “Owner”, in relation to a monument, means—
  - (a) the person who erected the monument, or

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**Changes to legislation:** Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 66 is up to date with all changes known to be in force on or before 20 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (b) after that person's death, the heir or heirs at law of the person or persons in whose memory the monument was erected.
- (6) The reference in subsection (1) to consecrated ground does not include a reference to a consecrated burial ground to which section 11 of the Open Spaces Act 1906 applies.
- (7) In proceedings to which section 3 of the Faculty Jurisdiction Measure 1964 applies which were pending on 1 January 2015 (the date on which the substitution of subsection (3) of that section came into force) and which are still pending on the commencement of this section, the court may exercise the power under subsection (3) of this section.
- (8) But subsection (7) of this section does not prevent the continuing application to such proceedings of subsection (3) of that section as originally enacted (which prevents the grant of a faculty affecting a monument if the owner does not consent).

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**Commencement Information**

**II** S. 66 in force at 1.9.2018 by S.I. 2018/720, art. 2

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:**

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 21A inserted by [2024 No. 1 s. 10\(1\)](#)
- s. 35(b) and word inserted by [2024 No. 1 s. 13\(1\)\(b\)](#)
- s. 37(7A) inserted by [2024 No. 1 s. 13\(2\)](#)
- s. 78(2A) inserted by [2024 No. 1 s. 13\(5\)](#)
- s. 93A and cross-heading inserted by [2024 No. 1 s. 12](#)
- s. 94(1)(aa) inserted by [2024 No. 1 s. 10\(2\)](#)
- Sch. 2 para. 2(4)(e) and word inserted by [2024 No. 1 s. 13\(3\)\(b\)](#)
- Sch. 2 para. 2(4A) inserted by [2024 No. 1 s. 13\(4\)](#)