



# Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

## PART 3

### CARE OF CHURCHES ETC.

#### *Role of churchwardens, PCCs and archdeacons*

#### **53 Role of archdeacon in ordering deposit of articles in place of safety**

- (1) This section applies if it appears to an archdeacon that an article appertaining to a church in the archdeaconry which the archdeacon considers to be of architectural, artistic, historical or archaeological value—
  - (a) is exposed to danger of loss or damage, and
  - (b) ought to be removed to a place of safety.
- (2) The archdeacon may order that the article is to be removed and deposited in the place of safety specified in the order.
- (3) Before making an order under this section, the archdeacon must, unless of the opinion that the article should be removed to a place of safety immediately—
  - (a) give a notice to the churchwardens, to any other person having custody of the article, to the PCC and to the advisory committee of the facts as they appear to the archdeacon, and
  - (b) inform the persons referred to in paragraph (a) that he or she will consider any written representations made by any of them to him or her before the date specified in the notice.
- (4) The date specified for the purposes of subsection (3)(b) must be at least 28 days after the day on which the notice is given.
- (5) Where notice is given under subsection (3)(a) (and not withdrawn), the archdeacon may not make an order under this section in respect of the article before the date

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*Status: This is the original version (as it was originally enacted).*

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specified for the purposes of subsection (3)(b) (or without having considered written representations made to him or her before that date).

- (6) Where the archdeacon makes an order under this section without having given the advisory committee an opportunity to make representations to him or her in connection with the making of the order, the archdeacon must, as soon as practicable after the removal of the article concerned to a place of safety, notify the committee of the removal.
- (7) An order made under this section by the archdeacon—
  - (a) must be in such form as rules may specify;
  - (b) must be directed to, and served on, the churchwardens and any other person having custody of the article.
- (8) If a person on whom an order made under this section by the archdeacon is served refuses or fails to comply with the order, the archdeacon may apply to the consistory court of the diocese in which the article is for an order that the person must deliver the article to the place of safety specified in the order.
- (9) The court may make an order under subsection (8) if it is satisfied that the order made by the archdeacon was made in accordance with this section.
- (10) Where the archdeacon makes an order under this section, he or she must, within 28 days after the removal of the article to a place of safety, apply to the consistory court for a faculty authorising the retention of the article in the place of safety.
- (11) “Article” does not include a record or register to which section 10(1) of the Parochial Registers and Records Measure 1978 applies.