



The Faculty Jurisdiction Rules 2015

What are the Faculty Jurisdiction Rules 2015?

The Faculty Jurisdiction Rules 2015 will come into force on the 1st January 2016. These Rules set out the practice and procedure controlling the exercise of faculty jurisdiction. They replace the Faculty Jurisdiction Rules 2000 and the Faculty Jurisdiction (Injunctions and Restoration Orders) Rules 1992, and build on the Faculty Jurisdiction Rules 2013.

The new Rules can be downloaded in full

from: <http://www.legislation.gov.uk/uksi/2015/1568/contents/made>

The main change to the existing rules is the introduction of a new national '**A and B List**' of works which can be carried out on your church without a Faculty. This replaces the Diocesan *Minor Items and Routine Works* list. Matters on 'List A' can be carried out without any further formal permission. Matters on 'List B' can be carried out once the written permission of the Archdeacon has been obtained. Most of these will be repairs and routine maintenance or small works identified in the QI report. To supplement the new national lists, the Chancellor of the Diocese has issued an Additional Matters Order containing a few additional items which, in Coventry Diocese, are considered as belonging to List B and do not require a Faculty (in brief, the erection of a Churchyard Notice Board and the introduction of Altar Frontals etc.).

The 'A List'

List A contains matters that can be carried out by PCCs without any formal notification from the Archdeacon, DAC or Chancellor. There are no financial limits on the work that can be undertaken. There is no requirement to seek DAC advice to carry out these works; however the Church Buildings Team is available to answer any queries or uncertainties about any works.

The 'B List'

Matters included under List B can only be undertaken if the Archdeacon has been consulted and has given notice in writing that the matter may be undertaken without faculty. The Archdeacon will consult with the DAC, or with its members or officers as he sees fit before deciding to give his authorisation, and the proposals may be subject to conditions.

A number of matters that previously required Faculty consent can now be handled under List B, for example:

- Works of routine repair maintenance and repair (as long as they have been listed as such in the church's most recent Quinquennial Inspection, or in subsequent written advice from a qualified architect or surveyor)
- Routine maintenance, repair or rebuilding of walls in churchyards

The aim of List B is to reduce the number of fairly routine matters formally coming to the DAC requiring Faculty permission.

Applying for List B authorisation

In order to obtain authorisation for works under List B, the PCC will need to provide details of the proposals to the DAC office. The PCC should submit the following items, where appropriate:

- Outline of proposals
- Architect/Professional specification and/or design
- Supporting photos or plans
- Statement of Need (if need is unclear)
- Relevant PCC/Standing Committee minute

The application will be referred to appropriate advisers, if necessary, before the Archdeacon determines whether to authorise the application. The Archdeacon can decline to authorise the application if he believes the works proposed do not fall under List B, or that for some reason it ought to be subject to the full Faculty procedure including formal DAC consultation and the statutory Public Notice period. This could be, for example, if the proposals are particularly complex or could be controversial. Under these circumstances a PCC will be asked to petition the Chancellor for Faculty in the usual way. The whole system remains under the jurisdiction of the Chancellor and anything which is not entirely clear as to whether it is a List A or B matter, or a Faculty matter will be referred to him for his direction.

The Archdeacon will liaise closely with the Church Buildings Team to ensure that applications under List B are dealt with quickly and efficiently, although it must be highlighted that there may be some cases where he directs that an application should be considered at a DAC meeting.

The statutory 28-day Public Notice period will not apply to works included in either List A or List B.

Items excluded from List A and List B are:

1. Any works which involve alteration to or the extension of a listed building to such an extent as would be likely to affect its character as a building of special architectural or historic interest
2. Any works which are likely to affect the archaeological importance of a building or any archaeological remains within a building or its curtilage
3. Any works which involve extension, demolition or partial demolition of a building, or the creation of a new building
4. Any matter which gives rise to a question of law or of doctrine, ritual or ceremonial or which would, if undertaken, affect the legal rights of any person
5. The sale or disposal of any article of architectural, archaeological, artistic or historic interest

It is noted that of these 1, 2 and 5 are matters where opinions could vary and a precautionary approach is recommended.

Environmental Considerations

With regards to the existing Faculty process, under the new rules there is now a requirement for petitioners to include any advice or other material relating to the environmental

implications of the proposals where it has already been obtained, although there is no requirement to obtain it especially for the purposes of the Faculty process.

Trees

Most tree related matters are included in Lists A and B. However, new guidance on trees has been published by the CBC (Church Buildings Council) which replaces the Chancellor's guidance on trees, and can be found on the Church Care website at www.churchcare.co.uk/images/Guidance_to_parochial_church_councils_on_the_plantin_g_Lists_A_and_B.pdf. There are no longer special forms for works to trees and permission, whether for Faculty or under List B, should be applied for in the usual way.

Temporary minor reordering licences

Under the new rules, the Archdeacon still has the authority to issue a temporary minor reordering licence for a specified period not exceeding 15 months. However the works must not involve any material interference with or alteration to the fabric of the church. Furthermore, the Archdeacon can now amend or revoke a licence if necessary. The Archdeacon must consult with the DAC or its members or officers over the granting of a licence as he sees fit.

Online Faculty System

A big change happening at the same time is that from the 1st January Faculty applications etc. will ordinarily be made online using the Online Faculty System (OFS) at <https://facultyonline.churchofengland.org/>

The Online Faculty System is web-based and designed to provide an electronic system for making and tracking applications right through from seeking initial advice from the DAC to receiving the Faculty from the Chancellor or the List B written permission from the Archdeacon. You will be able to fill in online versions of the application forms and Statement of Need, populate your Statement of Significance, and upload any supporting documents. It has been developed by the Church Buildings Council with funding from the Archbishop's Council and Historic England in response to feedback from parishes to make the process simpler and more transparent. The Church Buildings Team will be able to help you set up your account and guide you through the online process, and guidance notes are also available on the online system website.

Documents to note

- List A, List B and the Chancellor's Additional Matters Order
- New Faculty Jurisdiction Rules – frequently asked questions (CBC)
- New guidance on trees (CBC)

If you have any queries regarding the Faculty Jurisdiction Rules 2015, please contact the Church Buildings Team:

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