

Faculties: General Directions by the Chancellor

These directions include Chancellor's written guidance under section 12(8) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 to all parochial church councils, ministers and churchwardens within the Diocese as to matters which the Chancellor considers (after consultation with the diocesan advisory committee) to be of such a minor nature that they may be undertaken without a faculty.

1. In general any work to a church or a churchyard requires a faculty. That includes repairs and other works to the fabric of the church building, its contents (the introduction of new items, the removal or disposal of existing items, and re-ordering), and the monuments, paths and walls of the churchyard. This is subject to a number of exceptions set out in these directions.

2. The existence of the faculty jurisdiction enables the Church of England to continue to enjoy exemption from the requirement of listed buildings consent from the local planning authority. It also provides, through the work of the diocesan advisory committee (the DAC), expert advice to parishes. That advice may address technical issues which can arise even in the context of relatively minor works, but is also available to parishes considering major projects and needing to balance mission, conservation and financial considerations. Parishes are urged to consult the DAC at an early stage in the consideration of a project.

3. No decision on a faculty matter affecting a church building can be taken until the DAC has issued a certificate setting out its recommendations to the Chancellor. The Chancellor is not bound to accept the DAC's views and a parish is free to petition for a faculty even if the committee recommends against what is proposed. But equally, any interested person (for example any parishioner, or one of the amenity societies with a special interest in churches from a particular period) may enter an objection. It is very desirable that parishes considering major schemes consult widely to avoid last-minute opposition. The Chancellor makes his decision either on the written material or, exceptionally, after a hearing which is usually held in the church in question.

4. No contract should be entered into for work to be done until a faculty has been granted or express authority given in accordance with these directions.

5. Incumbents and priests-in-charge with churchyards open for burials have delegated authority from the Chancellor under his Churchyard Rules to approve the erection of headstones and the wording of inscriptions. Any case not falling within the scope of the Rules, or about which the incumbent is unhappy, should be made the subject of a faculty petition in the usual way.

6. In this Diocese, the diocesan board of finance meets the legal costs for one unopposed faculty petition per church building in any year, but not the additional costs of dealing with opposed petitions. The legal fees are technically the responsibility of the petitioners as individuals, but in practice the petition should be accompanied by a PCC resolution approving the submission of the petition, and so

accepting responsibility for any costs that become payable.

7. There are special considerations applying to particular types of petition, including those seeking permission to exhume human remains and those proposing to place memorial tablets within the church itself. Advice on these matters should be sought from the Secretary of the DAC or the diocesan registry.

Matters for which no Faculty is required:

A. MINOR REPAIRS AND MAINTENANCE

1. Works of routine maintenance on the fabric of the church (not materially altering its appearance) up to the value of £2,500 for the programme of work excluding VAT and the cost of scaffolding, providing that the Archdeacon has been notified and has given his approval in writing for work costing between £1,000 and £2,500 before the contract to carry out the work is entered into. This work includes, for example, replacement like for like of broken roof tiles or slates or window glass; cleaning gutters or downpipes; and treating isolated beetle or fungal activity (except in areas where bats may be affected). It does **not** include repairs to broken or cracked quarries in historic stained glass, historic glazed windows or historic tiled floors in listed churches.
2. Works of routine maintenance to heating systems, gas, water or other services, electrical fittings or other electrical equipment (by approved NICEIC electricians or CORGI registered fitters) and furniture up to the value of £2,500 excluding VAT. No addition to an electrical system is to be made without a faculty because of the risk of jeopardising the church's insurance policy.
3. External or internal redecoration using the same colours and materials, providing those original colours and materials had been approved by faculty when first used.
4. Treatment of fixtures and furniture against beetle or fungal activity (unless bats may be affected).
5. Repair (but not the initial installation) of flagpoles.
6. Work to lightning conductors by approved NICEIC or EGA contractors.
7. Repair (but not the initial installation) of wire mesh window guards using non-ferrous materials.
8. Works of minor repair *expressly* identified as such in the quinquennial inspection report provided that the specification has first been agreed by the Diocesan Advisory Committee.

B. FURNITURE AND FIXTURES

1. Introduction or removal of:-
 - (a) Furniture in church halls, but not items from the church kept in the hall;
 - (b) Furniture, furnishings, office equipment and minor fixtures (excluding wall safes) in vestries, but not so as to change the existing use of the

room as a vestry;

- (c) Small movable bookcases or display stands.
2. With the prior consent of the Archdeacon as to the location and method of fixing of the item concerned, the introduction or removal of:-
 - (a) Fire extinguishers;
 - (d) Hymn boards;
 - (e) Internal notice boards.
3. With the prior consent of the Archdeacon, the disposal by sale, gift or otherwise of any of the items listed at 1. or 2.
4. Replacement of carpets or curtains with the equivalent of similar colour, material, pattern and type of backing. (The carpeting of additional areas is **not** included.)
5. Additions in an existing style to name boards (excluding war memorials).
6. The use of a security system recommended by insurers for marking movable items kept in the church.

C. MUSICAL INSTRUMENTS

1. Introduction, storage or removal of portable musical instruments and stands used by music groups.
2. Routine tuning and adjustment, by a qualified person, up to a value of £1,500 excluding VAT, of organs, harmoniums and pianos.
3. Maintenance and repairs to pianos using matching materials.

D. BELLS/CLOCKS

1. Inspection and routine maintenance of bells, bell frames, clocks and clock faces.
2. Replacement of damaged wooden bell stays and bell ropes.

E. MOVABLES

No item may be disposed of unless the Archdeacon has been consulted and raises no objection

1. Introduction, removal, replacement or disposal of:-
 - a. Kneelers, hassocks and cushions (but not a substantial replacement of them).
 - b. Surplices, albs, cassocks, choir robes and vergers' robes.
 - c. Cruets.
 - d. Vases.
 - e. Service books authorised by Canon.
 - f. Bibles, hymn books, song books and sheet or bound music (but not

disposal of handbound or other valuable books).

- g. Altar linen (but not frontals or falls).
 - h. Decorative flags and banners used for temporary displays.
 - i. The Union flag, St. George's flag or the diocesan flag.
2. The deposit of parochial registers or other parochial records in the diocesan record office, and the introduction of new registers.

F. CHURCHYARDS

1. Purchase and maintenance of lawnmowers and other churchyard equipment.
2. Routine repair of paths including resurfacing in the same material and colour.
3. Repairs to and repainting in the same colour of a notice board.
4. Minor repairs to fences and gates (but not walls).

DISPENSATION IN OTHER CASES

Where the proposal is of a similarly minor nature, but does not appear in the above list, the Chancellor may be willing to dispense with a faculty, sometimes subject to conditions such as consultation with the Diocesan Advisory Committee. The Chancellor's decision will normally be based upon a letter, to be sent to the Registrar, giving all relevant information about the proposal.

RECORDING OF WORK

Repairs, acquisitions and the disposal of articles in this list should be recorded in the church log book.

Emergency cases

The Chancellor will consider at any time applications for permission to proceed with emergency works not covered by the above list where it is essential to start the work before the faculty procedure can be completed (or in some cases even begun). Examples will be emergency work to deal with storm damage, or other damage causing the church or churchyard to be unsafe, and necessary work to secure a church after a forced entry. The initial approach should normally be to the Archdeacon. Permission is given on the condition that a faculty is obtained in the normal way as soon as practicable. The Chancellor will also consider giving permission on an emergency basis where a faculty has been granted but in the course of the authorised work a problem requiring immediate additional remedial work is discovered; again the initial approach should be to the Archdeacon.

David McClean Ch
26 April 2005