



PROCEDURE FOR APPLYING FOR A FACULTY

Applying for a faculty is a legal process governed by the “Care of Churches and Ecclesiastical Jurisdiction Measure 1991” and the “Faculty Jurisdiction Rules 2000”. A faculty is required for repairs, alterations, re-ordering and introduction or disposal of new furnishings to a church or churchyard unless the work is included in the Chancellor’s List of Items Not Requiring a Faculty.

Archdeacons have delegated jurisdiction from the Chancellor to issue faculties in straightforward routine cases such as minor structural alterations and repairs, decoration, alterations to heating systems, re-wiring, installation of sound reinforcement systems, introduction of church furnishings, floodlighting and routine work in the churchyard. The Chancellor deals with major structural alterations, church re-ordering, any matter where English Heritage is involved, any case where either the Registrar or the Archdeacon considers it is desirable that he should do so, and petitions that are either not supported by the Diocesan Advisory Committee (DAC) or are opposed by objectors.

The Faculty procedure

All faculty matters now proceed as follows:

1. The Incumbent and churchwardens are to seek formal advice by obtaining an Advice Application form, or in the case of work to trees possibly a Form 16, from the DAC Secretary at Derby Church House. The completed form should be returned to the DAC Secretary. It is important that this form accurately and clearly reflects what the parish is seeking to do and where necessary details must be supplied in the form of plans and specifications.
2. Where significant changes to a listed church are proposed, a “Statement of Needs” and a “Statement of Significance” must be submitted with the Advice Application Form. “Statement of Needs” means a document which sets out the reasons why the needs of the Parish require changes to the church buildings and the reasons why the changes are regarded as necessary to assist the church in its worship and mission. “Statement of Significance” means a document that summarizes the historical development of the church and identifies the important features that make major contributions to the character of the church.
Further guidance on these statements is available from the DAC Secretary.
3. If the proposals will affect either:
 - (a) the character of the church as one of special architectural or historic interest;
 - (b) the archaeological importance of the church or archaeological remains within the church or its curtilage;
 - (c) involve demolition affecting the exterior of an unlisted church in a conservation area;the applicant must consult with English Heritage, the appropriate National Amenity Society and the Local Planning Authority at the same time as applying for advice from the DAC. A response from them within 28 days should be requested, and copies of the replies sent to the DAC Secretary.

The appropriate amenity society depends on the age of the church as follows:

Before 1715	Society for the Protection of Ancient Buildings (SPAB) 37 Spital Square, London E1 6DY
1700 - 1840	The Georgian Group 6 Fitzroy Square, London W1P 6DX
1837 - 1914	The Victorian Society 1 Priory Gardens, Bedford Square, London W4 1TT
1914 onwards	The Twentieth Century Society 70 Cowcross Street, London EC1M 6EJ.

4. When the DAC has considered the matter, the Registrar sends the DAC Certificate to the Parish. In most cases this will either recommend, or at least not object to, what has been proposed. On that assumption:
5. The faculty petition should be completed and sent to the Diocesan Registrar. The wording in the petition must follow exactly the wording specified on the DAC Certificate. The proposals cannot be altered without reference back to the DAC. The Registrar will then submit the petition to the Chancellor or the Archdeacon (as the case may be) for scrutiny, consideration and approval.
6. At the same time as the petition is forwarded to the Registrar, it will be necessary to proceed with Public Notice of the petition. The Public Notice is to be completed by the incumbent and churchwardens. Again the wording on it must follow the wording of the DAC certificate and a copy of the completed form is to be sent to the Registrar with the petition.
7. Copies of the Public Notice are to be displayed for a continuous period of not less than 28 days on noticeboards inside and outside the church. Where relevant, the appropriate plans/specifications etc. should be attached to the public notice. If these are too bulky, the Notice should state an address where they are available for inspection. Where the church is not the parish church, public notices must be displayed at the church where the work is to be done and also at the parish church(es). If there is no external noticeboard at the church, then the notice should be attached either to the outside or near to the principal door of the church and in a position readily visible to the public.

At the conclusion of the 28 day period, the Public Notice, or a copy of it, is to be returned to the Registrar with the 'Certification of Publication' duly completed.
8. The papers will then be sent to the Archdeacon or Chancellor to make a decision on the faculty. If granted, the Registrar will seal and issue the faculty.

Other Related Matters

1. Before the DAC is asked to give the required advice (see 1 above) it is often sensible for petitioners to have a preliminary discussion with either the DAC secretary or the Archdeacon – a) for advice and b) in order to ascertain exactly what sort of detailed information the DAC is likely to require.
2. If the DAC certificate (at 4 above) does not approve the proposed works you should immediately consult the Registrar.
3. Temporary re-ordering. On the application of the Incumbent and the majority of the PCC the archdeacon may now give licences (subject to conditions) for a temporary period not exceeding 15 months for a scheme of re-ordering provided that this does not involve any interference with the church fabric or the disposal of any fixtures.

4. In certain cases the Chancellor may direct the Registrar to obtain the written advice of the Council for the Care of Churches.

5. In the case of structural alterations (be they major or minor), or external or internal decoration, where grant aid from English Heritage (or other publicly funded body) has previously been accepted by the church relating to previous work, then English Heritage (or other publicly funded body) may need to be consulted regardless of whether or not aid is being sought for the proposed new work.

6. The following Guidelines are available to help with applications
 - Preparing Statements of Need and Significance.
 - Major Building Projects – advice to Parishes contemplating re-ordering and new building work.
 - Electrical works.
 - Heating.
 - Carpeting in Churches (carpets & other floor coverings)
 - Work to trees – requirement for a faculty.

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