
 S T A T U T O R Y I N S T R U M E N T S

2019 No.

ECCLESIASTICAL LAW, ENGLAND

The Faculty Jurisdiction (Amendment) Rules 2019

Made - - - - ***

Laid before Parliament ***

Coming into force - - ***

The Rule Committee, in exercise of the powers conferred by section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018(a), makes the following Rules/Scheme:

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Faculty Jurisdiction (Amendment) Rules 2019.
- (2) They come into force on 1st April 2020.
- (3) In these Rules, a reference to a Part, rule, Schedule or Form by number means the Part, rule, Schedule or Form so numbered in the Faculty Jurisdiction Rules 2015(b).

Amendments to the Faculty Jurisdiction Rules 2015

2. The Faculty Jurisdiction Rules 2015 are amended in accordance with the following provisions of these Rules.

Amendment of Part 1 (overriding objective)

3. In rule 1.4—
 - (a) in paragraph (2)(c), at the end insert “(and see rule 18.1(2)(l))”; and
 - (b) in paragraph (2)(j), at the end insert “(see Part 11)”.

Amendment of Part 2 (application and interpretation)

4. In rule 2.2(1), after the definition of “appeal court”, insert—

““article” includes anything affixed to land or a building, and a reference to an article includes a reference to part of an article”.

Amendment of Part 3 (matters not requiring a faculty)

5. In Part 3—
 - (a) in rule 3.1, in paragraph (6)—

(a) 2018 No. 3.
 (b) S.I. 2015/1568. Relevant amendments were made by the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (2018 No. 3).

- (i) after “For the purposes of Schedule 1 and work to”, insert “an oil-fired heating system or to”;
- (ii) omit “for industrial and commercial electrical work”.
- (b) in rule 3.5(1)(i), for “a library to which the Parochial Libraries Act 1708 applies” substitute “a parochial library”;
- (c) in rule 3.7, the heading to which becomes “Jurisdiction of consistory court”, for paragraphs (1) and (2) substitute—
 - “(1) The fact that a matter may be undertaken without a faculty under this Part does not prevent the court from exercising its jurisdiction in respect of the matter.
 - (2) The court may accordingly grant a faculty or make an order which permits the undertaking of the matter (whether subject to conditions or otherwise) or restricts or prevents the undertaking of the matter.”;
- (d) paragraphs (4) to (6) of rule 3.7 become paragraphs (1) to (3) of a new rule 3.8 before which the following heading is inserted—

“Determination of questions”;

- (e) in paragraph (1) of new rule 3.8, for “court” substitute “chancellor”;
- (f) in paragraph (2) of new rule 3.8, for “the court on its own initiative” substitute “the chancellor on the chancellor’s own initiative”;
- (g) in paragraph (3) of new rule 3.8, for “the court” in each place it occurs substitute “the chancellor”.

Substitution of Part 4 (seeking advice prior to commencement of proceedings)

- 6. For Part 4 substitute—

“Part 4

Consultation and advice before starting faculty proceedings

Process for consultation and obtaining advice - outline

4.1.—(1) Before starting proceedings in the consistory court in respect of works or other proposals, intending applicants should—

- (a) consult the Diocesan Advisory Committee on the works or proposals,
- (b) where rule 4.5 or 4.6 applies, consult the relevant bodies under that rule on the works or proposals, and
- (c) once the provisions of this part, so far as applicable, have been complied with, obtain from the Diocesan Advisory Committee a notification of advice in Form 2.

(2) Consultation under this Part is not required if—

- (a) proceedings relate exclusively to—
 - (i) exhumation, or
 - (ii) the reservation of a grave space;
- (b) proceedings are sufficiently urgent to justify the grant of a faculty, the issue of an injunction or the making of a restoration order without carrying out consultation under this Part; or

(3) This part does not apply where works or other proposals relate only to matters which may be undertaken without a faculty in accordance with Part 3 and Schedule 1 (Lists A and B).

Documents etc. to be submitted to Diocesan Advisory Committee

4.2.—(1) Intending applicants must submit the following to the Diocesan Advisory Committee when consulting it on works or proposals—

- (a) the standard information in Form 1A (where consultation is being carried out on behalf of the parochial church council) or Form 1B (where consultation is being carried out by the relevant person or body) (but see paragraph (3)); and
- (b) a summary of the works or other proposals being consulted on.

(2) Intending applicants must submit the following to the Diocesan Advisory Committee when proposals reach the stage at which they are available—

- (a) any relevant designs, plans or photographs;
- (b) any advice or other material relating to the environmental implications of the works or proposals;
- (c) any other documents giving particulars of the works or proposals; and
- (d) any relevant correspondence with Historic England, Natural England, a national amenity society, the local planning authority or the Church Buildings Council.

(3) If the intending applicants have previously submitted the standard information required by paragraph (1)(a) to the Diocesan Advisory Committee they need not do so again unless the information that was previously submitted has changed.

Initial advice from Diocesan Advisory Committee

4.3.—(1) When the Diocesan Advisory Committee is consulted under rule 4.1(1)(a) it must consider whether it should give the intending applicants initial advice to assist them in relation to the works or proposals and, if not, whether it should proceed to give its final advice in accordance with rule 4.9 (notification of advice).

(2) In considering whether it should give the intending applicants initial advice the Diocesan Advisory Committee must, in particular, consider whether rule 4.4 (statements of significance and needs), rule 4.5 (consultation with Historic England, amenity societies etc.) or rule 4.6 (consultation with Church Buildings Council) applies.

(3) If the Diocesan Advisory Committee considers that rule 4.4 applies, it must ask the intending applicants to provide it with statements of significance and needs if they have not already done so.

(4) If the Diocesan Advisory Committee considers that rule 4.5 applies, it must advise the intending applicants as to which of the bodies mentioned in rule 4.5 must be consulted on the works or proposals unless a body has already been consulted on the works or proposals and its response is available to the Committee.

(5) If the Diocesan Advisory Committee considers that rule 4.6 applies, it must advise the intending applicants to consult the Church Buildings Council on such aspects of the works or proposals as the Committee considers fall to be considered by the Council under that rule unless the Council has already been consulted on them and its response is available to the Committee.

Proposals involving changes to listed buildings: statements of significance and needs

4.4.—(1) Where proposals involve making changes to a listed church or other listed building intending applicants must provide the Diocesan Advisory Committee with—

- (a) a document which describes—
 - (i) the significance of the church or other building in terms of its special architectural and historic interest (including any contribution made by its setting) and
 - (ii) any significant features of artistic or archaeological interest that the church or other building has

so as to enable the potential impact of the proposals on its significance, and on any such features, to be understood (a “statement of significance”); and

(b) a document setting out the justification for the proposals (a “statement of needs”).

(2) If proposals are likely to result in harm to the significance of the church or other building as a building of special architectural or historic interest, the document setting out the justification for the proposals must set out the basis on which it is said that the proposals would result in public benefit that outweighs that harm.

Consultation with Historic England, amenity societies and the local planning authority in certain cases

4.5.—(1) Consultation with Historic England must be undertaken if works or other proposals—

- (a) involve the demolition of a grade I or II* listed building or its alteration or extension to such an extent as would be likely to affect its character as a building of special architectural or historic interest;
- (b) comprise the complete demolition of a grade II listed building or the removal of all, or a substantial part, of the structure of its interior (including any principal internal elements such as staircases, galleries, load-bearing walls, floor or roof structures and major internal fixtures such as pews, screens and organs); or
- (c) are likely to affect the archaeological importance of any building or of remains within the building or its curtilage.

(2) Consultation with each national amenity society which has an interest in works or other proposals must be undertaken if they—

- (a) involve demolition of a listed building of any grade or its alteration or extension to such an extent as would be likely to affect its character as a building of special architectural or historic interest; or
- (b) involve demolition affecting the exterior of an unlisted building in a conservation area.

(3) The question of whether a national amenity society has an interest in works or proposals is to be determined by reference to the age of the building (or the relevant part of it) and the likely effect on it of the proposals.

(4) Consultation with the local planning authority must be undertaken if works or other proposals—

- (a) involve demolition of a listed building of any grade or its alteration or extension to such an extent as would be likely to affect its character as a building of special architectural or historic interest;
- (b) are likely to affect the archaeological importance of a building or of remains within the building or its curtilage; or
- (c) involve demolition affecting the exterior of an unlisted building in a conservation area.

Consultation with Church Buildings Council in certain cases

4.6.—(1) Consultation with the Church Buildings Council must be undertaken if works or other proposals—

- (a) involve the demolition of a grade I or II* listed building or its alteration or extension to such an extent as would be likely to result in harm to its character as a building of special architectural or historic interest;
- (b) involve demolition of a grade II listed building or its alteration or extension to such an extent as would be likely to result in substantial harm to its character as a building of special architectural or historic interest or to its setting; or

- (c) are likely to affect the archaeological importance of a building or of remains within the building or its curtilage.
- (2) Consultation with the Church Buildings Council must also be undertaken where works or proposals involve—
- (a) the conservation, alteration or disposal of an article of special historic, architectural, archaeological or artistic interest;
 - (b) the introduction of an article of special historic, architectural, archaeological or artistic interest (including new work) in a grade I or II* listed building;
 - (c) the alteration, extension or re-ordering of a church in a way that is likely significantly to affect the setting of an article of special historic, architectural, archaeological or artistic interest; or
 - (d) the movement or removal of an article of special historic, architectural, archaeological or artistic interest such that the article might be adversely affected unless special precautions are taken.
- (3) Consultation with the Church Buildings Council must be undertaken in any other case where the Diocesan Advisory Committee considers that its advice would be of particular assistance.

Consultation: procedure

4.7.—(1) When a body is consulted under rule 4.5 or 4.6 it must be informed by letter or electronic communication that it is being consulted in accordance with that rule and that a response to the consultation will be taken into account if it is received within 42 days of the date of the letter or electronic communication.

(2) The notice must be accompanied by—

- (a) the standard information in Form 1A or Form 1B;
- (b) a summary of the works or other proposals being consulted on;
- (c) any relevant designs, plans and photographs;
- (d) any other documents giving particulars of the works or other proposals; and
- (e) the statement of significance and the statement of needs prepared in accordance with rule 4.4.

(4) Any response to consultation undertaken under rule 4.5 or rule 4.6 which is received more than 42 days after the date of the letter or electronic communication sent under paragraph (1) need not be (but may be) taken into account.

Notification of material changes made in response to consultation or otherwise

4.8.—(1) If intending applicants make material changes to works or other proposals (whether in response to consultation or otherwise), they must supply details of the changes made to—

- (a) any body which has been consulted under rule 4.5 or 4.6;
- (b) the Diocesan Advisory Committee.

(2) Any further response from a body which is supplied with details of changes under paragraph (1) must be taken into account if it is received within 21 days of the day on which the body is supplied with those details; if it is received after that period has expired it need not be (but may be) taken into account.

Notification of advice

4.9.—(1) The Diocesan Advisory Committee must not give its final advice unless it is satisfied—

- (a) that the preceding provisions of this part, so far as applicable, have been complied with; and
- (b) it has all the information it needs in order to give its final advice, including any responses from bodies consulted under rule 4.5, 4.6 or 4.8 that have been received within the time allowed.

(2) The Diocesan Advisory Committee must give its final advice in a notification of advice in Form 2.

(3) The notification of advice must describe the works or proposals in the manner in which the DAC recommends that they should be described in the schedule of works or proposals in the petition (see rule 5.4(1)) and in the public notice (see rule 6.2(3)(a)).

(4) The notification of advice must state whether the Diocesan Advisory Committee—

- (a) recommends the works or proposals for approval by the court;
- (b) does not recommend the works or proposals for approval by the court; or
- (c) does not object to the works or proposals being approved by the court.

(5) If the notification of advice recommends the works or proposals for approval by the court it must include a statement that the advice does not constitute authority for carrying out the works or other proposals and that a faculty is required.

(6) If the notification of advice does not recommend the works or proposals for approval by the court it must include—

- (a) the Committee’s principal reasons for giving that advice; and
- (b) a statement that despite the Committee’s advice, the intending applicants may, if they wish, petition the court for a faculty authorising the works or other proposals.

(7) If the notification of advice does not object to the works or proposals being approved by the court—

- (a) the Committee must consider whether to include its principal reasons for giving that advice; and
- (b) the notification of advice must include a statement that the advice does not constitute authority for carrying out the works or other proposals and that a faculty is required.

(8) The notification of advice must state which of the bodies mentioned in rule 4.5 or 4.6 (if any) have been consulted on the works or proposals.

(9) If the notification of advice recommends the works or proposals for approval by the court, or does not object to their being approved, in circumstances where a body consulted under rule 4.5 or 4.6 has raised objections to the works or proposals and has not withdrawn them, the notification of advice must include the Committee’s principal reasons for recommending the works or proposals for approval, or for not objecting to their being approved, despite those objections.

(10) In the case of works or proposals in respect of which an injunction or restoration order is to be sought—

- (a) the Committee’s advice must be given in the form of a report or letter (instead of Form 2);
- (b) paragraphs (2) to (7) and (9) do not apply (but paragraph (8) does apply).

Interim faculties and interim injunctions and restoration orders

4.10. This Part is without prejudice to the court’s power at any time to grant an interim faculty under Part 15 or an interim injunction or restoration order under rule 16.6.”

Amendment of Part 5 (faculty proceedings – parties and commencement)

7. In Part 5—

- (a) in rule 5.1(4), at the end, insert “where the court is considering making an order for costs against that person under section 69 of the Measure; a person may be added as a party by way of special citation in any other circumstances where doing so would further the overriding objective”;
- (b) in rule 5.4—
 - (i) for paragraph (1) substitute—

“(1) The works or other proposals in respect of which a faculty is sought must be fully and accurately described in the schedule of works or proposals contained in the petition (or where a petition in Form 3A or 3B is not required, in the relevant part of the petition).

(1A) Where the Diocesan Advisory Committee has issued a notification of advice under rule 4.9, the works or other proposals must be described in the manner recommended by the Committee unless the chancellor directs otherwise.”;
 - (ii) for paragraph (2) substitute—

“(2) The works or other proposals must be the same as those in respect of which the Diocesan Advisory Committee issued a notification of advice under rule 4.9.”;
 - (iii) omit paragraph (3);
- (c) in rule 5.5, after paragraph (3)(a) insert—

“(aa) where rule 4.4(1) applies, the statement of significance and the statement of needs that were provided to the Diocesan Advisory Committee.”;
- (d) in rule 5.6, at the end of paragraph (1), insert “unless the petition is submitted using an online system through which the secretary of the Committee can access the petition”;
- (e) in rule 5.7, the heading to which becomes “Inspection of petition and associated documents”, after paragraph (2) insert—

“(2A) Where paragraph (1) applies and the petition and other documents mentioned in that paragraph are submitted to the court through an online system, the petition and other documents, together with a copy of the public notice displayed under Part 6, must also be publicly available for inspection online until the petition has been determined.”;
- (f) in rule 5.7(3), for “and (2)” substitute “, (2) and (2A)”.

Amendment of Part 6 (public notice)

- 8. In rule 6.2(3), after paragraph (a) insert—

“(aa) provide a postal address and an email address for the diocesan registrar to which letters of objection may be sent.”.

Amendment of Part 7 (chancellor’s jurisdiction)

- 9. In Part 7, after rule 7.3 insert—

“Notification of final determination to body making representations

7.3A. Where Historic England, a national amenity society or the local planning authority has made representations in respect of works or other proposals, the registrar must notify that body of the final determination in the faculty proceedings within 14 days of the determination being made.”

Amendment of Part 8 (archdeacon’s jurisdiction)

- 10. In rule 8.2(1), for “15 months” substitute “24 months”.

Amendment of Part 9 (special notice of petition, consultation etc.)

- 11. In Part 9—

- (a) in rule 9.1, omit “, or the law otherwise requires,”;
- (b) in rule 9.5—
 - (i) in paragraph (1), for “it has a period of 21 days from the date on which it is served with a copy of the public notice within” substitute “the registrar must inform the body of the date, being a date not less than 21 days after it will be deemed by rule 17.5 to have been served with a copy of the public notice, by”;
 - (ii) after paragraph (2) insert—

“(3) If a person or body given special notice under this Part does not send representations or particulars of objection within the time allowed under paragraph (1), or otherwise allowed by any direction, the chancellor may determine the petition without further recourse to that person or body.

(4) Rules 10.2, 10.3 and 10.4(1) do not apply in respect of a person or body given special notice under this Part.”;
- (c) in rule 9.6—
 - (i) in paragraph (1)(a) omit “introduction,”;
 - (ii) after paragraph (1)(a), insert—

“(aa) the introduction of an article of special historic, architectural, archaeological or artistic interest (including new work) in a grade I or II* listed building;”;
 - (iii) omit paragraph (3);
- (d) in rule 9.8(1), for “within 21 days (or such longer period as the court may direct)” substitute “by the date specified by the registrar in the request, being a date not less than 21 days after the Council will be deemed by rule 17.5 to have been served with the request”;
- (e) in rule 9.9(2), after “the diocesan website” insert “, or another publicly accessible website which is identified on the diocesan website.”.

Amendment of Part 10 (objections to faculty petition)

12. In Part 10—

- (a) in rule 10.3(1)(a), for “within 21 days” to the end, substitute “to reach them no later than the date specified in the written notice, being a date 21 days after the date on which the objector will be deemed by rule 17.5 to have received the notice”;
- (b) in rule 10.5(1)(b), for “to the court” to the end, substitute “to reach the court by no later than a date specified by the registrar, being a date 21 days after the date on which the petitioner will be deemed by rule 17.5 to have received the objector’s letter”.

Amendment of Part 12 (conduct of hearings)

13. Rule 12.3 is omitted.

Amendment of Part 13 (evidence of non-parties)

14. For rule 13.5, the heading to which becomes “Evidence given under this Part”, substitute—

“**13.5.**—(1) Rules 11.4 (witness statements) and 11.5 (expert reports) apply, so far as applicable, to evidence under this Part.

(2) Where evidence is to be given under this Part on behalf of a body, any witness statement setting out that evidence must state the extent to which the witness is speaking on behalf of the body or is acting as an expert.”

Amendment of Part 14 (disposal of proceedings by written representations)

15. For Rule 14.1 substitute—

“14.1.—(1) The chancellor may order that any proceedings in the consistory court be determined on consideration of written representations instead of by a hearing if the chancellor considers, having regard to the overriding objective in Part 1, that it is expedient to do so.

(2) Before making an order under paragraph (1) the chancellor must invite the parties to submit in writing, within a specified period of time, their views on such a course; and the chancellor must take account of those views before deciding whether to make the order.”

Amendment of Part 16 (injunctions and restoration orders)

16. In rule 16.7(4), for “(2)(b)” substitute “(3)(b)”.

Amendment of Part 17 (delivery of documents)

17. In Part 17—

(a) in rule 17.1—

(i) in paragraph (1), after “any document may be served” insert “or sent”;

(ii) in paragraph (2), after sub-paragraph (b) insert—

“(bb) in the case of an objection to works or proposals in response to a public notice under Part 6, by email to the email address for the diocesan registrar given on the public notice;”;

(b) in rule 17.5—

(i) after “is deemed to have been submitted, filed” insert “, received”;

(ii) in the table, in the heading to the second column, after “submission” insert “receipt”.

Amendment of Part 24 (appeals in the provincial courts)

18. In Part 24—

(a) in rule 24.1(a), omit “4 copies of”;

(b) in rule 24.6, for paragraphs (2) and (3) substitute—

“(2) The Dean may order that any appeal to which this Part applies is to be determined by the provincial court on consideration of written representations instead of at a hearing if the Dean considers, having regard to the overriding objective in Part 1, that it is expedient to do so.

(3) The Dean must afford the parties an opportunity to make representations before deciding whether to make an order under paragraph (2).”

Amendment of Part 27 (general provisions relating to appeals)

19. For rule 27.9 substitute—

“27.9.—(1) Any interim order may be made in proceedings in a provincial court either by the Dean sitting alone or by the court.

(2) In paragraph (1), “interim order”, in addition to any order or direction made under Parts 11, 12, 13, 18, 19 or 20, includes an order or direction made under—

(b) rule 24.5 (transfer of appeals);

(c) rule 27.1 (stay);

(d) rule 27.3 (amendment of appeal notice);

(e) rule 27.4 (withdrawal of appeal);

(f) rule 27.5 (striking out grounds of appeal etc.);

(g) rule 27.6 (addition of parties);

- (h) rule 27.7 (interveners);
- (i) rule 27.11(1) (reception of evidence by appeal court).”

Substitution of Schedule 1 (matters which may be undertaken without a faculty)

20.—(1) For Schedule 1 substitute—

“SCHEDULE 1

Rules 3.2 and 3.3

Matters which may be undertaken without a faculty

General notes

List A and List B set out matters which may generally be undertaken without a faculty subject to conditions specified in Table 1 and Table 2 and, in the case of List B, subject to the archdeacon giving written notice that the matter may be undertaken. However, a matter may not be undertaken without a faculty despite being included in List A or List B if it comprises

- 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
- works which are likely to affect the archaeological importance of a building or any archaeological remains within a building or its curtilage
- works for all or part of which scheduled monument consent is required under the Ancient Monuments and Archaeological Areas Act 1979
- works which involve the extension, demolition or partial demolition of a building or the erection of a new building
- a matter which gives rise to a question of law or doctrine, ritual or ceremonial or which would, if undertaken, affect the legal rights of any person
- the exhumation or other disturbance of human remains
- the reservation of a grave space
- the sale or other disposal of an article of architectural, archaeological, artistic or historic interest
- the sale of any book remaining in or belonging to a parochial library^(a)
- the introduction of an aumbry or another receptacle used for the reservation of the sacrament of Holy Communion
- the introduction of a monument, or the carrying out of work to a monument erected in or on, or on the curtilage of, a church or other consecrated building or on consecrated ground.

In List A and List B—

“authorised” means authorised by faculty or under List A or List B;

“church” includes a building which is included in the list maintained by the Church Buildings Council under section 38(1) of the Measure;

“fabric” means the structure of a building comprising its walls, floor and roof;

“historic”, in relation to material, means material which is of historic or architectural significance;

(a) “Parochial library” is defined in section 95(4) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 as “a library in a parish which was founded (whether before or after the commencement of this Measure) by way of charitable contribution in order to assist the clergy of the Church of England with their studies”.

Advice may be sought from the Diocesan Advisory Committee as to whether material is historic material or whether an article is of architectural, archaeological, artistic or historic interest.

Application may be made to the chancellor for directions as to matters not included in List A or List B that are of such a minor nature that they may be undertaken without a faculty.

Table 1

List A – Matters which may be undertaken without a faculty and without the need for consultation

This table prescribes matters which may be undertaken without a faculty subject to any specified conditions.

See the general notes as to matters which may not be undertaken without a faculty despite being included in List A.

<i>Matter</i>	<i>Specified conditions</i>
A1. Church building etc.	
(1)(a) Works of maintenance, not involving repair or substantial replacement of material, carried out as part of the regular course of care and upkeep of the building	The parochial church council’s insurers are notified if external scaffolding is to be erected
(b) works of repair not materially affecting the fabric or any historic material	
(2) Repairs and replacement of fittings in existing kitchens, lavatories, office accommodation and other ancillary rooms	
(3) Like for like repairs to window glass	The works do not include repairs to stained glass or to clear glass manufactured before 1960
(4) The repair or like for like replacement of wire mesh window guards	Only non-corroding fixings are used and, where practicable, are fixed in mortar joints
(5) The treatment of timber against beetle or fungal activity where the church is not a listed building	The works do not involve the replacement of timber
(6) Works of maintenance, repair and adaptation (not amounting to substantial addition or replacement but including re-wiring) to existing—	The works do not involve making additions to an electrical installation
(a) heating systems (including the replacement of control equipment)	Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)
(b) gas, water or other services	
(c) electrical installations (including lighting installations) and other electrical equipment	
	Any work to an oil-fired heating system or to an electrical installation or electrical equipment is carried out by a person whose

	work is subject to an accredited certification scheme (as defined in rule 3.1(6)) In the case of adaptation, the parochial church council's insurers are notified of the proposals
(7) The replacement of a boiler in the same location and utilising an existing fuel supply and existing pipe runs (See matter B1(5) in List B for replacement using different fuel supply of pipe runs)	Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998) Any work to an oil-fired heating system is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6)) The works do not involve the creation of a new external flue The parochial church council's insurers are notified of the proposals
(8) The like for like replacement of roof lead or other material covering the roof of a building which is not a listed building	The original introduction of the material being replaced was authorised The parochial church council's insurers are notified of the proposals
(9) The installation of a roof alarm (including an alarm with an image capture facility)	The amount of associated cabling is kept to the minimum that is reasonably practicable The parochial church council's insurers are notified of the proposals Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
(10) The application of forensic marking on roof lead or other material covering a roof or to rain water goods or flashings	
(11) Work to an existing lightning conductor	The parochial church council's insurers are notified of the proposed work The parochial church council is satisfied that the person who is to undertake the work has the necessary skill and experience
(12) The replacement or introduction of a weathervane on a church which is not a listed building	

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| (13) The repair, maintenance, removal, disposal or replacement of a flagpole | Only non-corroding fixings are used where a flagpole is repaired or replaced |
| (14) The introduction, removal or disposal of furniture, furnishings, office equipment and minor fixtures (including safes) in vestries and similar rooms | The existing use of the vestry or similar room is not changed

No article of historic or artistic interest is removed or disposed of |
| (15) The introduction, removal or disposal of fire extinguishers | Any instructions from the supplier or the parochial church council's insurer in relation to their type or location is complied with |
| (16) The making of additions to an existing name board | The board is not a war memorial or roll of honour

The addition is in the same style (including colour and materials) as existing names on the board |
| (17) The installation of bat boxes as part of a bat management programme | |
| (18) The introduction of anti-roosting spikes | Only non-corroding fixings are used and, where practicable, are fixed in mortar joints |
| (19) The installation of bird netting to tower windows | |
| (20) The adaptation of an existing sound reinforcement system | Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))

In the case of a church which is a listed building, no alteration is made to existing fixings or cable runs (but see matter B1(13) in List B) |
| (21) The introduction of a defibrillator in a church which is not a listed building | |

A2. Musical instruments

- | | |
|--|---|
| (1) The introduction or disposal of musical instruments (other than pipe organs and non-portable electronic organs) and associated equipment | No article of historic or artistic interest is disposed of |
| (2) The routine tuning and maintenance of organs and pianos | In the case of organs, any works do not involve tonal alterations, changes to the action or major dismantling of the instrument |
| (3) The repair or replacement of electrical | Any work to an electrical installation is |

motors and humidification equipment for organs

carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))

A3. Bells etc.

(1) The inspection and routine maintenance of bells, bell fittings and bell frames

No tonal alterations are made to any bell

No bell is lifted from its bearings

(2) The repair and maintenance of clappers, crown staples (including re-bushing) and bell wheels

Works do not include the re-soling or re-rimming of a bell wheel

No bell is lifted from its bearings

(3) The repair or replacement of bell stays, pulleys, bell ropes (including in Ellacombe apparatus), rope bosses, sliders or slider gear

No bell is lifted from its bearings

(4) The repainting of metal bell frames and metal bell fittings

No bell is lifted from its bearings

A4. Clocks

(1) The inspection and routine maintenance of clocks and clock dials

Works do not include re-painting or re-gilding of clock dials or repainting clock movements

(2) Maintenance and like-for-like repairs, without removing the clock from the church, of:

- (a) ratchets, clicks and click springs on flies
- (b) locking levers
- (c) pulleys
- (d) broken hands
- (e) clock hammers and their springs

(3) Replacement of:

- (a) weight lines
- (b) suspension springs
- (c) fixings of clock dials

(4) The reinstallation of disconnected hands and numerals

Works do not include re-painting or re-gilding of clock dials or repainting clock movements

(5) Repairs to bell cranks and clock bell hammers

(6) The upgrading of electrical control devices and programmers

Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))

A5. Church contents

- | | |
|--|--|
| (1) The repair of woodwork, metalwork and movables | Matching materials are used |
| | The repair does not involve any works to: <ul style="list-style-type: none">— woodwork or metalwork of historic or artistic interest— Royal coats of arms— hatchments or other heraldic achievements— paintings— textiles of historic or artistic interest— church plate (including candlesticks and crosses) |
| (2) The application to articles of forensic marking | No article of historic or artistic interest is marked without first obtaining specialist advice |
| (3) The introduction, removal or disposal of kneelers, hassocks, pew runners and cushions | The introduction, removal or disposal of the articles does not result in a change to the overall appearance of the church |
| | No article of historic or artistic interest is removed or disposed of |
| (4) The introduction, removal or disposal of— | No article of historic or artistic interest is removed or disposed of |
| (a) movable bookcases | |
| (b) books | |
| (c) free-standing noticeboards | |
| (d) movable display stands | |
| (e) cruets | |
| (f) vases and flower stands | |
| (g) hymn boards | |
| (h) altar linen (but not altar frontals or falls) | |
| (i) flags and banners used for temporary displays (but not the laying up of flags, or the removal or disposal of flags that have been laid up) | |
| (j) the Union flag or St George's flag (with or without the diocesan arms in the first quarter) for flying from the church | |
| (k) portable audio-visual equipment | |
| (l) wi-fi routers | |
| (m) equipment for card payment | No article being introduced is fixed to historic fabric |

systems

- | | |
|---|--|
| (5) The removal or disposal of—
(a) redundant sound reinforcement equipment
(b) carpet
(c) free-standing chairs (but not pews, benches or stalls) | No article of historic or artistic interest is removed or disposed of |
| (6) The like for like replacement of carpet | Only breathable material is used

No article of historic or artistic interest is removed or disposed of |
| (7) Treatment of fixtures and furniture against beetle or fungal activity | No material of historic or artistic interest is treated
(See matter B4(6) in List B for treatment of material of historic or artistic interest) |
| (8) The replacement of curtains (other than curtains and other hangings associated with an altar) | No article of historic or artistic interest is removed or disposed of |
| (9) The introduction of free-standing chairs in a church which is not a listed building | |
| (10) The introduction, in a church which is a listed building, of additional free-standing chairs of a design which has previously been introduced in the church under the authority of a faculty | |
| (11) The introduction of a fixed internal noticeboard (including in a porch) in a church which is not a listed building | |

A6. Church halls and similar buildings subject to the faculty jurisdiction

- | | |
|---|---|
| (1) Works of maintenance and repair to the building and the replacement of fittings in the building | |
| (2) The introduction, removal or disposal of furniture and fittings | No article of historic or artistic interest is removed or disposed of |
| (3) Replacement of material covering the roof where neither the church nor the church hall or similar building is a listed building | |
| (4) The introduction of a defibrillator in a building which is not a listed building | |

A7. Churchyard

- | | |
|---|--|
| (1) The introduction and maintenance of | |
|---|--|

equipment for maintenance of the church and churchyard

(2) The repair of paths and other hard-surfaced areas, including resurfacing in the same materials and colour

(3) The introduction of unwired lighting to mark the edge of a path

(4) The maintenance of fences, walls and gates (including lychgates and stiles), not involving repair or replacement, carried out as part of the regular course of care and upkeep of the fence, wall or gate

(5) Repairs to, and like for like replacement of, fences and gates other than lychgates, walls or historic railings
(See matters B6(2) and (3) in List B for repairs to walls and lychgates)

(6) The repair, repainting or like for like replacement of a noticeboard

(7) The grant by the incumbent of a licence for grazing in the churchyard

(8) The disposal or replacement of gas and oil tanks (and associated pipe work)

Any new disturbance below ground level is kept to a minimum

Any new disturbance below ground level is kept to a minimum

The wording on the board is not changed except for the purpose of updating existing information that is included on the board

In the case of replacement:

- the Town and Country Planning (Control of Advertisement) Regulations 2007 are complied with,
- the replacement noticeboard is not illuminated, and
- any new disturbance below ground level is kept to a minimum

The licence is in a form approved by the chancellor

No works of excavation are involved

The local planning authority is notified of the proposal

Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)

Any work to an oil-fired heating system is carried out by a person whose work is subject to an accredited certification scheme

	(as defined in rule 3.1(6))
	In the case of replacement, the replacement tank is of similar dimensions and in substantially the same location
(9) The introduction, replacement or disposal of a flagpole not attached to the church building	The local planning authority is notified of the proposal Any new disturbance below ground level is kept to a minimum
(10) The introduction of a defibrillator where the church is not a listed building	
A8. Trees	
(1) The felling, lopping or topping of a tree the diameter of any stem of which does not exceed 75 millimetres (measured over the bark at a height of 1.5 metres above ground level)	The works do not relate to any tree in respect of which a tree preservation order is in force or which is in a conservation area Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards
(2) The lopping or topping of any tree—that is dying or dead; or has become dangerous	Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards
(3) The removal of dead branches from a living tree	Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards

Table 2

List B – Matters which may be undertaken without a faculty subject to consultation etc.

This table prescribes matters which may, subject to any specified conditions, be undertaken without a faculty if the archdeacon has been consulted on the proposal to undertake the matter and has given notice in writing that the matter may be undertaken without a faculty. The archdeacon may impose additional conditions in the written notice.

See the general notes as to matters which may not be undertaken without a faculty despite being included in List B.

<i>Matter</i>	<i>Specified conditions</i>
B1. Church building etc.	
(1) Works of repair affecting the fabric or historic material	The repair does not introduce material of a type that does not already form part of the fabric or historic material that is to be repaired The repair does not involve the substantial replacement of a major part of the fabric or of historic material

	<p>Details of any materials to be used are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter</p> <p>The works do not involve any new disturbance below ground level</p> <p>The parochial church council's insurers are notified if external scaffolding is to be erected</p>
(2) The installation of a wall offertory box	<p>The installation does not affect historic fabric</p>
(3) Works of external or internal redecoration (other than to areas of historic wall painting, even if already painted over)	<p>Details of materials and colours are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter</p> <p>The overall appearance of the building is not changed</p> <p>The parochial church council's insurers are notified if external scaffolding is to be erected</p>
(4) The treatment of timber against beetle or fungal activity where the church is a listed building	<p>The works do not involve the replacement of timber</p>
(5) The replacement of a boiler in the same location utilising a different fuel supply or pipe runs (See matter A1(7) in List A for replacement using existing fuel supply and pipe runs)	<p>Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998</p> <p>The parochial church council's insurers are notified of the proposals</p>
(6) The like for like replacement of roof lead or other material covering the roof of a listed building	<p>The original introduction of the material being replaced was authorised</p> <p>The parochial church council's insurers are notified of the proposals</p>
(7) The installation of lighting and safety equipment	<p>The lighting or other equipment:</p> <ul style="list-style-type: none"> — is installed only in a part of the church (such as a tower or crypt) that is not normally visible to the public, or — when installed will not be visible

from ground level

Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))

The installation will not affect any graves or vaults

The parochial church council's insurers are notified of the proposals

(8) The extension of an existing lighting system

Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))

The parochial church council's insurers are notified of the proposals

(9) The installation of a lightning conductor

The parochial church council's insurers are notified of the proposals

The parochial church council is satisfied that the person who is to undertake the work has the necessary skill and experience

(10) The installation of closed circuit television for security purposes

Details of cameras and other equipment, their proposed location and the location of any cable runs are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter

Regard is had to any guidance issued by the Church Buildings Council relating to privacy and the protection of personal data

Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))

(11) The installation of security and fire alarms

Details of equipment, its proposed location and the location of any cable runs are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter

Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))

(12) The installation of locks (including timed and other electronic locking devices)

(13) The installation of a sound reinforcement system or loop system (including a control desk) or the alteration of an existing system

(14) The introduction of a defibrillator in a church which is a listed building

(15) The introduction of fixed audio-visual equipment in a church which is not a listed building

Details of equipment, its proposed location and the location of any cable runs are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter

(16) The removal of asbestos

Works, other than works of minor reinstatement and repair, will not be required following the removal of the asbestos

(17) The refurbishment of facilities for serving refreshments

The original introduction of the facilities being refurbished was authorised

(18) The removal of partitions or divisions that did not form part of the original construction of a church which is not a listed building

(19) The introduction of bird boxes

B2. Bells etc.

(1) The lifting of a bell to allow the cleaning of bearings and housings

Regard is had to any guidance issued by the Church Buildings Council

No modification is made to the manner in which any bell may be sounded

No historic material is modified or removed

(2) The like for like replacement of—

Regard is had to any guidance issued by the Church Buildings Council

(a) bearings and their housings

(b) gudgeons

(c) crown staple assembly

(d) steel or cast iron headstocks

(e) wheels

The works do not involve the drilling or turning of the bell

No modification is made to the manner in which any bell may be sounded

No historic material is modified or removed

(3) The replacement of—

Regard is had to any guidance issued by the Church Buildings Council

(a) bell bolts

- | | |
|---|---|
| (b) a wrought iron clapper shaft with a wooden-shafted clapper | No modification is made to the manner in which any bell may be sounded |
| | No historic material is modified or removed |
| (4) The treatment of timber bell frames with preservative or insecticide materials | |
| (5) The re-pinning or re-facing of hammers in Ellacombe apparatus | Regard is had to any guidance issued by the Church Buildings Council |
| | No modification is made to the manner in which any bell may be sounded |
| | No historic material is modified or removed |
| (6) The installation of an electric silent ringing device for the training of ringers | Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6)) |
| | The device is installed in a location not normally visible to the public |
| | No alteration is made to the fittings of the bells other than the installation of electric contacts and wires |
| | The device does not adversely affect the church's protection against lightning |
| (7) The installation of louvres in a belfry as a sound control measure | Any fixings are made into mortar |
| (8) The introduction of peal boards in a location not normally visible to the public | |

B3. Clocks

- | | |
|--|---|
| (1) Alterations to striking trains to prevent striking at night | No part of the clock movement is affected |
| (2) The repair or replacement of electrical or electronic clocks manufactured after 1950 | |

B4. Church contents

- | | |
|--|---|
| (1) The repair and maintenance of church plate (including candlesticks and crosses) not of historic or artistic interest | |
| (2) The replacement of an electronic organ (but not of a pipe organ) | The original introduction of the electronic organ being replaced was authorised |
| | The replacement electronic organ is on a |

	similar scale to the electronic organ being replaced
(3) Like for like repairs and works of conservation to a pipe organ	The archdeacon is satisfied, having regard to the advice of the diocesan advisory committee or a member or officer of the committee, that the person who is to carry out the work has the necessary skill and experience
(4) The installation of humidification equipment for a pipe organ	The archdeacon is satisfied, having regard to the advice of the diocesan advisory committee or a member or officer of the committee, that the person who is to carry out the work has the necessary skill and experience
	Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
(5) The replacement of carpets or other floor covering and underlay (see List A for like of like replacement of carpets)	Only breathable material is used No article of historic or artistic interest is replaced
(6) Treatment of fixtures and furniture against beetle or fungal activity (see List A for treatment of material not of historic or artistic interest)	
(7) The introduction of a book of remembrance and stand	
(8) The introduction of a stand for candles	
(9) The introduction of a fixed internal noticeboard (including in a porch) where the church is a listed building	
(10) The introduction of a heating appliance not forming part of a heating system	Details of the appliance, its proposed location and the location of any cable runs are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter
	Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
(11) Works of repair to altar frontals and falls	No work is carried to an article of historic or artistic interest

(12) Disposal of redundant altar frontals and falls
No article of historic or artistic interest is disposed of

B5. Church halls and similar buildings subject to the faculty jurisdiction

(1) The introduction of a defibrillator in a building which is a listed building

B6. Churchyard

(1) The introduction and removal of benches in a churchyard
No bench proposed to be introduced has an inscription on it which would not be permitted on a monument in the churchyard under the applicable churchyard regulations made or approved by the chancellor

(2) The repair or rebuilding of walls
The works do not relate to any wall which is included in the Schedule maintained for the purposes of the Ancient Monuments and Archaeological Areas Act 1979 or is separately listed as a building of special architectural or historic interest under the Planning (Listed Buildings and Conservation Areas) Act 1990

Any new disturbance below ground level is kept to a minimum

(3) The repair of lychgates
The lychgate is not separately listed as a building of special architectural or historic interest under the Planning (Listed Buildings and Conservation Areas) Act 1990

(4) The introduction, replacement or alteration of a notice board
A new notice board is not illuminated
The Town and Country Planning (Control of Advertisement) Regulations 2007 are complied with

(5) The introduction of a defibrillator where the church is a listed building
Any new disturbance below ground level is kept to a minimum

(6) The introduction of stands for bicycles

(7) The resurfacing of paths and other hard-surfaced areas using different materials or colour where the church is not a listed building

(8) The introduction of hand rails to steps or paths

B7. Trees

(1) The planting of trees
Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in

churchyards

- | | |
|---|--|
| (2) The felling of a tree—
(a) that is dying or dead; or
(b) has become dangerous | In the case of any tree in respect of which a tree preservation order is in force or which is in a conservation area, section 206 of the Town and Country Planning Act 1990 (which provides for the planting of replacement trees) is complied with

Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards |
| (3) All other works to trees (whether or not prescribed in List A) except felling | If applicable, the law relating to the preservation of trees in respect of which a tree preservation order is in force or which are in a conservation area is complied with

Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards” |
-

Repeal of Schedule 2 (consultation with Historic England, national amenity societies and the local planning authority)

21. Schedule 2 is omitted.

Amendment of Schedule 3 (forms)

22.—(1) Schedule 3 is amended as follows.

(2) In Form 1A (standard information (parish churches etc.))—

- (a) in the text following the heading of the form, the order of “Church of” and “In the parish of” is reversed;
- (b) omit “or any adjoining structure” in each place where it occurs;
- (c) in “If it is, please state which” in the first place where it occurs, at the end, insert “conservation area”;
- (d) in “If it is, please state which” in the second place where it occurs, at the end, insert “national park”;
- (e) in “Is there any evidence that bats use the church, its curtilage”, after “the church,” insert “or”;
- (f) for “Name of lay rector, if known” substitute “Is there anybody other than the parochial church council who is liable to pay for repairs to the chancel?”
- (g) in “Is the churchyard or burial ground consecrated”, at the end, insert “(whether closed or not)”;
- (h) in “If the churchyard or burial grounds is no longer used for burials has it been closed by Order in Council?”, for “grounds” substitute “ground”;
- (i) in “Please give the name and address of the architect of surveyor appointed for the church under the Inspection of Churches Measure 1955”, for “Inspection of Churches Measure 1955” substitute “section 45 of the Ecclesiastical Jurisdiction ad Care of Churches Measure 2018”.

(3) In Form 1B (standard information (buildings included in the list under section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018))—

- (a) omit “or any adjoining structure” in each place where it occurs;
- (b) in “If it is, please state which” in the first place where it occurs, at the end, insert “conservation area”;
- (c) in “If it is, please state which” in the second place where it occurs, at the end, insert “national park”;
- (d) in “Is there any evidence that bats use the building, its curtilage”, after “the building,” insert “or”;
- (e) in “Please give the name and address of the architect of surveyor appointed for the building under the Inspection of Churches Measure 1955 (if applicable)”, for “Inspection of Churches Measure 1955” substitute “section 45 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

(4) In Form 2 (Diocesan Advisory Committee notification of advice)—

- (a) in the heading to the Form, for “(Rule 4.5)” substitute “(Rule 4.9)”;
- (b) after “The following works or other proposals were considered:” insert—

“The works or proposals should be described in the petition for a faculty and in the public notice in the same way as they are described here.”;

- (c) in the paragraph which begins “In the opinion of the Committee rule 9.9”, after “diocesan” insert “or other publicly accessible”;
- (d) for “The Committee recommends that the intending applicants consult the bodies or persons as indicated below” substitute “The following have been consulted on the works or other proposals”;
- (e) for “The reason for this recommendation” to “Any recommendation of the Committee as to consultation with a body or person indicated above should be followed before submitting a petition for a faculty” substitute —

“No objections have been raised by any of them.

or

Objections were raised by [*name of body or person*] but have been withdrawn.

or

Objections have been raised by [*name of body or person*] and have not been withdrawn. The Committee’s principal reasons for [recommending the works or proposals for approval] [not objecting to the works or proposals being approved] despite those objections are:”.

(5) In Form 3A (petition for faculty (proceedings started pursuant to resolution of parochial church council))—

- (a) in the text following the heading of the form, the order of “Church of” and “In the parish of” is reversed;
- (b) for the two paragraphs of italic text before “SCHEDULE OF WORKS OR PROPOSALS” substitute—

“Please describe the works or other proposals for which a faculty is sought in the way recommended by the Diocesan Advisory Committee in its Notification of Advice.”;

- (c) in section A. Professional advice, in question 1, for “the Inspection of Churches Measure 1955” substitute “section 45 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”;
- (d) in section C. Financial information, for question 4.c. substitute—

“c. Are the proposals wholly to be paid for from a source other than the parochial church council or wholly from funds which have already been given to the PCC for the purpose of the proposals?”.

- (e) in section E. Archaeological matters, for the instruction under the heading of that section, substitute—

“Please answer this section for any work to or in the church or churchyard”.

- (f) in section F. Consultation for works of demolition, alteration or extension of a listed church—

(i) in question 9, for “Have you consulted any of the following bodies?” substitute “Have any of the following bodies been consulted?”;

(ii) for question 10. a. substitute—

“a. Has the local planning authority been consulted?”;

- (g) in section G. Church insurance—

(i) at the end of the instruction under the heading of that section, insert “*or churchyard*”;

(ii) for question 12.b. substitute—

“b. If yes, has the PCC consulted its insurers about protecting voluntary labour against the risk of injury during the course of the work?”;

(iii) in question 14, after “If the answer to question” insert “12. b. or”;

- (h) in section H. Details of contractors, at the beginning of question 15 insert “If known,”;

- (i) in section M. Further information, for question 21 substitute—

“ 21. a. Could the work affect any human remains? Yes No
b. Could the work affect any monuments? Yes No ”

(6) In Form 3B (petition for faculty (building included in list under section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018))—

- (a) for the two paragraphs of italic text before “SCHEDULE OF WORKS OR PROPOSALS” substitute—

“Please describe the works or other proposals for which a faculty is sought in the way recommended by the Diocesan Advisory Committee in its Notification of Advice.”;

- (b) in section A. Professional advice, in question 1, for “the Inspection of Churches Measure 1955” substitute “section 45 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”;

- (c) in section D. Archaeological matters, for the instruction under the heading of that section, substitute—

“Please answer this section for any work to or in the building or its curtilage”.

- (d) in section E. Consultation for works of demolition, alteration or extension of a listed building—

(i) in question 8, for “Have you consulted any of the following bodies?” substitute “Have any of the following bodies been consulted?”;

(ii) for question 9. a. substitute—

“a. Has the local planning authority been consulted?”;

- (e) in section F. Details of contractors, at the beginning of question 10 insert “If known,”;

- (f) in section I. Further information, for question 13 substitute—

<p>13. a. Could the work affect any human remains? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Could the work affect any monuments? Yes <input type="checkbox"/> No <input type="checkbox"/></p>

(7) In Form 4A (public notice (general form))—

- (a) in the text following the heading of the form, the order of “Church of” and “In the parish of” is reversed;
- (b) after “where they may conveniently be inspected by the public” insert “*and if the petition is submitted through an online system, those documents must also be publicly available for inspection online*”;
- (c) after “If you wish to object to any of the works or proposals you should send a letter” insert “or email”.

(8) In Form 4B (public notice (building included in list under section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018))—

- (a) after “where they may conveniently be inspected by the public” insert “*and if the petition is submitted through an online system, those documents must also be publicly available for inspection online*”;
- (b) after “If you wish to object to any of the works or proposals you should send a letter” insert “or email”.

(9) In Form 8 (certificate of practical completion of works authorised by faculty), in section 3. Certificate by churchwardens or petitioner—

- (a) for paragraph (i) substitute—
 - “(i) We/I certify to the best of our/my knowledge, information and belief that [the whole of the works have been completed] [that the works have been completed in part and that details of the works that have not been carried out are set out in the letter to the registrar which accompanies this certificate] and that the works carried out are in accordance with the faculty. (Delete as appropriate)”
- (b) for “the Care of Places of Worship Measure 1999” in both places where it occurs, substitute “section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

(10) In Form 12 (request for advice from Church Buildings Council), in the final paragraph, for “within [21] days” substitute “by [*insert date at least 21 days after the date of the request*]”.

(11) In Form 13 (place of safety order (archdeacon of opinion that article should be removed immediately)), for “section 21 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “section 53 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

(12) In Form 14 (notice inviting representations with a view to making a place of safety order), for “section 21 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “section 53 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

(13) In Form 15 (place of safety order (following consideration of representations)), for “section 21 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “section 53 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

(14) In Form 16 (application for injunction or restoration order), in the notes, at the end of the notes to the applicant(s), insert—

“**NB** The Court may make a restoration order only if it is satisfied that the proceedings for the order were brought no later than six years after the relevant act was committed. In proceedings brought by an archdeacon, if a relevant fact has been deliberately concealed from him or her, the period of six years does not begin to run until the time when the

archdeacon discovered the concealment or could with reasonable diligence have discovered it.”.

(15) In Form 17 (injunction), in the heading to the Form, for “(section 13(4) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)” substitute “(section 71 Ecclesiastical Jurisdiction and Care of Churches Measure 2018)”.

(16) In Form 18 (restoration order), in the heading to the Form, for “(section 13(5) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)” substitute “(section 72 Ecclesiastical Jurisdiction and Care of Churches Measure 2018)”.

(17) In Form 19 (interim injunction or interim restoration order), in the heading to the Form, for “(section 13(4) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)” substitute “(sections 71 and 72 Ecclesiastical Jurisdiction and Care of Churches Measure 2018)”.

(18) In Form 20 (injunction issued of court’s own initiative), in the heading to the Form, for “(section 13(4) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)” substitute “(section 71 Ecclesiastical Jurisdiction and Care of Churches Measure 2018)”.

(19) In Form 21 (restoration order issued of court’s own initiative), in the heading to the Form—

(a) for “(Rule 16.8)” substitute “(Rule 16.7)”;

(b) for “(section 13(5) Care of Churches and Ecclesiastical Jurisdiction Measure 1991)” substitute “(section 72 Ecclesiastical Jurisdiction and Care of Churches Measure 2018)”.

(20) In Form 22 (application to chancellor for certificate and permission to appeal), in note 2, for “section 10(3) of the Ecclesiastical Jurisdiction Measure 1963” substitute “section 18(4) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

(21) In Form 23 (chancellor’s certificate and determination of application for permission to appeal), in the paragraph headed “Certificate”, for “section 10(3) of the Ecclesiastical Jurisdiction Measure 1963” substitute “section 18(4) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

(22) In Form 27 (petition to Her Majesty seeking review of finding of Court of Ecclesiastical Causes Reserved), for “section 11 of the Ecclesiastical Jurisdiction Measure 1963” in both places where it occurs, substitute “section 19 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Transitional provisions

23.—(1) The following transitional provisions apply for the purposes of these Rules.

(2) The amendments made by rule 6 (substitution of Part 4) do not apply to works or other proposals in respect of which intending applicants have sought the advice of the Diocesan Advisory Committee under Part 4 before 1st April 2020.

(3) The amendments made by rules 7 (amendment of Part 5), 8 (amendment of Part 6), 11 (amendment of Part 9), 12 (amendment of Part 10), 13 (amendment of Part 12), 14 (amendment of Part 13) and 15 (amendment of Part 14) do not apply to proceedings in a consistory court that were started before 1st April 2020.

(4) But the amendments made by the rules mentioned in paragraph (3), other than those made by rule 15, may be applied by the consistory court to proceedings started before 1st April 2020 to the extent that the court orders that they are to do so.

(5) The amendments made by rule 18 (amendment of Part 24) do not apply to proceedings on an appeal where the application for permission to appeal under section 14(4), or an application for a certificate under section 18(4), of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 was made before 1st April 2020.

(6) The amendments made by rule 20 (substitution of Schedule 1) do not apply to any matter in respect of which proceedings are pending in a consistory court or on appeal from a consistory court on 1st April 2020.

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13th May 2019

Approved by the General Synod

xx July 2019

J. Philips
Clerk to the Synod

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Faculty Jurisdiction Rules 2015 (SI 2015/1568) by—

- (a) amending Part 1 (overriding objective) to insert sign posts to other, related rules;
- (b) amending Part 2 (application and interpretation) so that “article” is defined generally for the purposes of the Rules;
- (c) amending Part 3 (matters not requiring a faculty) to take account of work carried out by persons carrying our work to oil-fired heating systems to be subject to an accredited certification scheme; and to improve the manner in which provisions in rule 3.7 are stated;
- (d) substituting a new Part 4 (consultation and advice before starting faculty proceedings) which, among other things, provides for Diocesan Advisory Committees to give intending applicants initial advice to assist them in relation to their proposals and to ensure that any necessary consultation with statutory and other bodies is carried out before Committees give their final advice;
- (e) amending Part 5 (faculty proceedings – parties and commencement), among other things, to take account of provisions of the new Part 4 and to provide for petitions for faculties and associated documents to be publicly available for inspection online;
- (f) amending Part 6 (public notice) so that public notices relating to faculty petitions include an email address for the diocesan registrar;
- (g) amending Part 7 (chancellor’s jurisdiction) to provide for statutory and other bodies which have made representations to be notified of the final determination in faculty proceedings;
- (h) amending Part 8 (archdeacon’s jurisdiction) so that the maximum period of an archdeacon’s licence for temporary minor reordering is increased from 15 months to 24 months;
- (i) making miscellaneous, minor amendments to Part 9 (special notice of petition, consultation etc.) and Part 10 (objections to faculty petition);
- (j) amending Part 12 (conduct of hearings) to omit rule 12.3 (other means of giving evidence);
- (k) amending Part 13 (evidence of non-parties) to clarify the relationship between provisions of that Part and provisions of Part 11 (directions) and to require that where evidence is given under Part 13 on behalf of a body, witness statements must state the extent to which a witness is speaking on behalf of the body or is acting as an expert;
- (l) amending Part 14 (disposal of proceedings by written representations) so that the chancellor need only consult, rather than obtain the agreement of, the parties before ordering that proceedings are to be determined on consideration of written representations instead of by a hearing;
- (m) amending Part 16 (injunctions and restoration orders) to correct a cross reference;
- (n) amending Part 17 (delivery of documents) to take account of documents that are “sent”, as well as those that are served;
- (o) amending Part 24 (appeals in the provincial courts) so that the Dean need only consult, rather than obtain the agreement of, the parties before ordering that appeal proceedings are to be determined on consideration of written representations instead of by a hearing;
- (p) amending Part 27 to clarify which orders are interim orders and may therefore be made by the Dean sitting alone;
- (q) substituting a new Schedule 1 (matters which may be undertaken without a faculty) to increase the number of matters that fall within List A (matters which may be undertaken without a faculty and without the need for consultation) and List B (matters which may be undertaken without a faculty subject to consultation etc.);

- (r) repealing Schedule 2 (consultation with Historic England, national amenity societies and the local planning authority), as its provisions are now included in simplified form in the new Part 4;
- (s) amending Schedule 3 (forms) to take account of amendments made to the Rules and to improve their intelligibility and utility.