

GENERAL SYNOD**FACULTY JURISDICTION (AMENDMENT) RULES 2019****Explanatory Notes**

The Faculty Jurisdiction (Amendment) Rules 2019 amend the Faculty Jurisdiction Rules 2015. The amendments include the substitution of a new Part 4 dealing with consultation and advice. Its purpose is to ensure that by the time a diocesan advisory committee issues its notification of advice, all necessary consultations have already been carried out, thereby avoiding delays following the submission of a petition. Lists A and B (matters which may be undertaken without a faculty) have been substantially revised and expanded. Various other amendments have been made to the Rules to improve their operation.

Background

1. The Faculty Jurisdiction Rules 2015 ('the 2015 Rules') were introduced with the intention of simplifying faculty procedures and reducing the burden of administration, in particular for churchwardens and others in parishes with responsibility for church buildings. Now with over two years' experience of working with the 2015 Rules, the Rule Committee proposes further simplification.
2. A major innovation of the 2015 Rules was the introduction of lists – known as Lists A and B – of matters that could be undertaken without a faculty. Matters in List A may simply be undertaken by a parish without a faculty and without the need for any form of consultation. Matters in List B may be undertaken without a faculty provided the archdeacon is consulted and gives written authorisation.
3. When the 2015 Rules were before the General Synod for approval in July 2015, the Dean of the Arches and Auditor (as Chair of the Rule Committee) indicated that after the new Rules had been in operation for two years their operation would be reviewed and amendments brought forward to make further improvements. In particular, consideration would be given to expanding the lists of matters which may be undertaken without a faculty (Lists A and B).
4. During the summer of 2018 a consultation exercise was carried out with a view to ascertaining how well the new Rules were operating and what further improvements might be made. Over 200 responses to the consultation were received. These were considered by the Rule Committee in late 2018 and early 2019. The Committee concluded that a number of improvements should be made, including by substantially expanding Lists A and B. The Committee also identified a number of other changes that could be made to increase the efficiency of the faculty process and to assist parishes in equipping their church buildings for mission.
5. The Faculty Jurisdiction (Amendment) Rules 2019 ('the Amendment Rules') accordingly make a number of amendments to the 2015 Rules. The following paragraphs explain the effect of the amendments. Lists A and B in the form

they would take as amended by the Amendment Rules appear in the Annex to these explanatory notes. New or substantially expanded items are shown underlined.

Notes on the provisions of the Amendment Rules

Rule 1 Citation, commencement and interpretation

6. Rule 1 provides for the citation (i.e. the official name) of the Amendment Rules, the date on which they come into force (1st April 2020) and for their interpretation.

Rule 2 Amendments to the Faculty Jurisdiction Rules 2015

7. Rule 2 provides that the 2015 Rules are amended by the following provisions of the Amendment Rules.

Rule 3 Amendment of Part 1 (overriding objective)

8. Rule 3 makes minor drafting amendments to rule 3 of the 2015 Rules (overriding objective) by providing signposts to other, related, provisions of the Rules.

Rule 4 Amendment of Part 2 (application and interpretation)

9. Rule 4 moves the definition of “article” into the main definition provisions of the 2015 Rules so that it applies wherever that expression is used in the Rules.

Rule 5 Amendment of Part 3 (matters not requiring a faculty)

10. Rule 5 makes updating and other drafting amendments to Part 3 of the 2015 Rules.

Rule 6 Substitution of Part 4 (seeking advice prior to commencement of proceedings)

11. Rule 6 substitutes a new Part 4 for the existing Part 4 of the 2015 Rules (seeking advice prior to commencement of proceedings).
12. The new Part 4 is entitled “Consultation and advice prior to starting faculty proceedings”. The principal aim of the new Part 4 is to ‘front load’ the consultation process with a view to all consultation taking place prior to the issue of a notification of advice by the diocesan advisory committee (‘DAC’).
13. Under the existing Part 4, a notification of advice states whether the DAC recommends or does not recommend proposals for approval by the consistory court or, more neutrally, that it does not object to the proposals being approved. The notification of advice then goes on to state whether, in the DAC’s opinion, proposals are likely to affect the character of a listed building, or the archaeological importance of the building or of archaeological remains associated with it. Where the DAC is of the opinion that that is the case, it then goes on to recommend that the parish consult Historic England, amenity societies, the local planning authority, the Church Buildings Council and any other body, as appropriate. That is because, where proposals are likely to affect the character of a listed building etc., consultation with these bodies is

necessary in order to meet the conditions under which the ecclesiastical exemption from listed building control is granted by the Secretary of State.

14. This way of proceeding has been in operation for many years, and considerably pre-dates the 2015 Rules. The Rule Committee, with support from the Church Buildings Council, considers that it is unhelpful for parishes to be told *at the end of the DAC's involvement in a case* that one or more other bodies need to be consulted. Having obtained their notification of advice, a parish may go on to consult bodies as advised by the DAC in the notification of advice and find that one or more of them raises issues that have not previously been considered by the parish or the DAC. That may mean that the parish has to revise its plans and that the case has to go back again to the DAC for further consideration. Alternatively, parishes may fail to consult bodies as advised in the notification of advice and simply proceed to submit a petition for a faculty to the diocesan registry. In that scenario, where a body which ought to have been consulted has not been, the chancellor is obliged to give special notice of the faculty petition to the body concerned, in response to which the body may raise objections in the consistory court. Even where such objections are not raised at this stage in the process, the need for the chancellor to give special notice and allow time for a response can result in substantial delays and frustration for parishes.
15. The new Part 4 seeks to avoid these problems by requiring the DAC to assist and support parishes through the consultation process, including by ensuring that all necessary consultations are completed, and so far as possible any issues resolved, before the DAC issues its notification of advice.
16. Under the new Part 4, when a parish consults the DAC on its proposals, the DAC must consider whether it should give the parish initial advice to assist it in relation to its proposals. Whether initial advice is needed will depend on the nature of the particular proposals. In some cases, where proposals are of an entirely straightforward nature, or do not involve a listed building, a DAC might take the view that initial advice is not needed and – if the parish has provided what is needed for the DAC to make a recommendation – simply proceed to give its final advice in the form of a notification of advice.
17. In other cases, for example where proposals are complex or involve making changes to a listed building, the DAC is likely to take the view that it should give initial advice to a parish. The range of matters on which a DAC might give initial advice is not limited by the new Part 4. But where changes that will have an impact on the significance of a listed building are proposed, the DAC must advise the parish of the need to provide statements of significance and needs (if it has not already provided them). It must also advise the parish of any applicable requirements as to consultation with Historic England, amenity societies, the local planning authority and the Church Buildings Council.
18. The DAC will not issue its notification of advice on proposals under the new Part 4 until any applicable consultation requirements have been complied with and the DAC has all the information needed for it to give its final advice. The intention is that the issue of a notification of advice to a parish should mean that the applicable consultation requirements have been complied with, so that when the faculty petition reaches the chancellor for decision there will, in the

great majority of cases, be no need for the chancellor to issue special notice to various bodies inviting objections. This should result in reducing delays once a faculty petition has been submitted to the registry and mean that in the vast majority of cases a faculty can be issued without the need for further proceedings.

19. The individual rules in the new Part 4 make provision as follows.
20. Rule 4.1 introduces Part 4 and provides that, save for a limited range of cases (exhumation, reservation of grave spaces and very urgent cases), parishes and others who intend to apply for a faculty (or potentially other types of order) should first consult the DAC on their proposals. Rule 4.1(3) makes it clear that consultation under Part 4 is not required where proposals relate only to matters that may be undertaken without a faculty under Lists A and B.
21. Rule 4.2 sets out the documentation that needs to be provided to the DAC when it is consulted. At the initial stage, the standard information form containing basic information about the church and churchyard and a summary of the proposals on which the DAC is being consulted must be provided. Once they are available, which may be after the DAC has given initial advice, other documents are to be provided to the DAC. These include designs, plans and photographs, advice on the environmental implications of proposals and correspondence with bodies which have been consulted.
22. Rule 4.3 requires the DAC, on being consulted, to consider whether a case is one in respect of which it should give initial advice as described in paragraphs 16 and 17 above. The rule sets out matters in respect of which the DAC must consider giving advice, but without limiting the advice it may give to those matters.
23. Rule 4.4 restates the existing rule concerned with the provision of statements of significance and needs where proposals involve changes to a listed building that would have an impact on its significance.
24. Rule 4.5 restates, in simplified form, existing requirements as to consultation with Historic England, national amenity societies and the local planning authority.
25. Rule 4.6 sets out requirements for consultation with the Church Buildings Council in certain cases. The rule restates existing requirements as to consultation with the Council on certain types of proposal that involve articles of special historic, architectural or historic interest. It makes new provision that develops existing guidance on consultation with the Council in relation to proposals affecting listed buildings. The Council must be consulted where proposals 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. The Council must be consulted where proposals involve the 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. The Council must also be consulted in any other case where the DAC considers that its advice would be of particular assistance.

26. Rule 4.7 sets out the basic procedure for consulting a body under rule 4.5 or 4.6.
27. Rule 4.8 provides for the situation where during the course of the consultation stage proposals are materially changed (whether in response to consultation or otherwise). Details of material changes must be supplied to any body previously consulted under rule 4.5 or 4.6 and to the DAC. A body which is given details of material changes has 21 days to respond if it wishes to do so.
28. Rule 4.9 restates in modified form existing provision for the giving by the DAC of its notification of advice. New provision in rule 4.9(1) makes it clear that a notification of advice is intended to constitute the DAC's final advice on proposals. It requires the DAC not to issue its notification of advice unless it is satisfied that the requirements of Part 4 have been complied with and that it has all the information it needs in order to give its final advice.
29. Rule 4.9(3) is a new provision. It requires the notification of advice to describe proposals in the manner in which the DAC recommends that they should be described in the subsequent faculty petition and public notice. This is intended to be helpful to parishes and to avoid delays as a result of proposals not being adequately described.
30. Rule 4.9(8) is a new provision. It requires the notification of advice to state which bodies have been consulted under rule 4.5 or 4.6 (if any). This replaces existing provision requiring the notification of advice to identify bodies which should be consulted following the issue of the notification.
31. Rule 4.9(9) is a new provision. It requires a notification of advice to include the DAC's principal reasons for recommending proposals for approval, or not objecting them, where a body consulted under rule 4.5 or 4.6 has raised objections. This requirement is intended to assist the chancellor in identifying and narrowing the issues in a contested faculty petition, thereby avoiding unnecessary delays that result from the chancellor having to request this information from the DAC.
32. Rule 4.10 restates existing provision which makes it clear that the court may grant an interim faculty or other interim order despite the fact that the consultation requirements in Part 4 have not been met.
33. A flowchart showing how the provisions work will be produced and published on the Churchcare pages of the Church of England website.

Rule 7 Amendment of Part 5 (faculty proceedings – parties and commencement)

34. Rule 7(a) amends rule 5.1 of the 2015 to make it clear that it is not only where the court is considering making an order for costs against a person that a person may be added as a party to faculty proceedings by way of special citation. For example, where the chancellor considers that a person who is not a party to faculty proceedings has a clear interest in the proceedings and would be affected by their outcome, the chancellor may add that person as a party by issuing a special citation to that person.
35. Rule 7(b) amends rule 5.4 of the 2015 Rules to require a faculty petition to describe proposals in the manner recommended by the DAC in its notification

of advice and makes other amendments that are consequential on the substitution of Part 4.

36. Rule 7(c) and (d) make minor amendments to tidy up existing provisions.
37. Rule 7(e) amends rule 5.7 of the 2015 Rules to require that where the faculty petition and associated documents are submitted through an online system, those documents must be publicly available for inspection online until the petition has been determined by the chancellor. This will provide an online counterpart to the existing requirement for those documents to be available for inspection in the church or in some other place identified in the public notice.

Rule 8 Amendment of Part 6 (public notice)

38. Rule 8 amends rule 6.2 of the 2015 Rules to require the public notice relating to a faculty petition to provide an email address, as well as a postal address, for the diocesan registry to which letters of objection can be sent.

Rule 9 Amendment of Part 7 (chancellor's jurisdiction)

39. Rule 9 inserts provision in Part 7 of the 2015 Rules (chancellor's jurisdiction) to require that where Historic England, a national amenity society or the local planning authority has made representations in respect of proposals, the registrar must notify that body of the final determination in the faculty proceedings. This provision is being inserted to comply with a requirement in the Code of Practice on the Operation of the Ecclesiastical Exemption.

Rule 10 Amendment of Part 8 (archdeacon's jurisdiction)

40. Rule 10 amends rule 8.2 of the 2015 Rules so that an archdeacon's licence for temporary minor reordering can be granted for up to 24 months, instead of 15 months as is currently the case.

Rule 11 Amendment of Part 9 (special notice of petition, consultation etc.)

41. Rule 11 makes drafting amendments and other amendments of a minor nature to Part 9 of the 2015 Rules (special notice of petition, consultation etc.).

Rule 12 Amendment of Part 10 (objections to faculty petition)

42. Rule 12 makes minor amendments to Part 10 of the 2015 Rules (objections to faculty petition).

Rule 13 Amendment of Part 12 (conduct of hearings)

43. Rule 13 amends Part 12 of the 2015 Rules (conduct of hearings) by removing a provision concerned with the giving of evidence before an examiner or by affidavit. That provision is considered to be obsolete.

Rule 14 Amendment of Part 13 (evidence of non-parties)

44. Rule 14 amends Part 13 of the 2015 Rules (evidence of non-parties) to make it clear that where any of the bodies mentioned in that Part is allowed to give evidence as a non-party, the usual rules as to witness statements and expert reports are applicable. It also inserts provision requiring that a witness statement made on behalf of such a body must state the extent to which the witness is speaking on behalf of the body or is acting as an expert.

Rule 15 Amendment of Part 14 (disposal of proceedings by written representations)

45. Rule 15 amends Part 14 of the 2015 Rules (disposal of proceedings by written representations). Under Part 14 as it currently stands the chancellor may order that proceedings be determined on consideration of written representations instead of at a hearing only if all the parties agree. The effect of the amendment is to remove the requirement for the agreement of the parties before the chancellor may make an order for determination on consideration of written representations. Instead, the chancellor will be required to invite the parties to submit their views and must take account of those views before deciding whether to make an order.

Rule 16 Amendment of Part 16 (injunctions and restoration orders)

46. Rule 16 corrects a cross-reference in rule 16.7.

Rule 17 Amendment of Part 17 (delivery of documents)

47. Rule 17 amends Part 17 (delivery of documents) to take account of documents that are sent (as opposed to “served”).

Rule 18 Amendment of Part 24 (appeals in the provincial courts)

48. Rule 18 amends Part 24 (appeals in the provincial courts) to make equivalent provision to that made by rule 15, removing the requirement for the Dean of the Arches and Auditor to obtain the agreement of the parties before making an order for determination of an appeal on consideration of written representations.

Rule 19 Amendment of Part 27 (general provisions relating to appeals)

49. Rule 19 amends Part 27 (general provisions relating to appeals) to clarify which orders and directions are “interim orders” which may be made by the Dean sitting alone.

Rule 20 Substitution of Schedule 1 (matters which may be undertaken without a faculty)

50. Rule 20 amends the 2015 Rules by substituting a new Schedule 1 (matters which may be undertaken without a faculty). The new Schedule 1 (like its predecessor) contains two lists of matters which may be undertaken without a faculty: List A prescribes matters which may be undertaken without the need for consultation; List B prescribes matters which may be undertaken subject to consultation etc.
51. Existing matters in both List A and List B have been amended, in some cases to widen their scope, in others to clarify their meaning. In particular, all maintenance of church buildings, as well as repairs that do not affect the fabric or historic material, is brought within matter A1(1) in List A. More major repairs to church buildings continue to be covered by matter B1(1) in List B. The existing requirement that such repairs must be identified as routine items in the most recent quinquennial inspection report is removed. Instead, it is replaced with conditions that relate to the nature and scope of the proposed repairs.
52. A number of matters have been moved from List B to List A. In some cases a distinction is made between listed and unlisted buildings, with a wider range of

works to unlisted buildings being included in List A. A significant number of new matters have been added to both Lists.

53. Additional explanatory text has been added at the beginning of the new Schedule 1.
54. The Annex to these explanatory notes shows Lists A and B in the form they will take when the Amendment Rules take effect. New provisions and substantially changed provisions are shown underlined.

Rule 21 Repeal of Schedule 2 (consultation with Historic England, national amenity societies and the local planning authority)

55. Rule 21 repeals Schedule 2 to the 2015 Rules (consultation with Historic England, national amenity societies and the local planning authority). As a result of the simplified form taken by the new rule 4.5, Schedule 2 is redundant.

Rule 22 Amendment of Schedule 3 (forms)

56. Rule 22 amends Schedule 3 to the 2015 Rules (forms). It makes a number of amendments to the forms that are consequential on amendments made by preceding provisions of the Amendment Rules. It also makes a number of minor amendments to the forms to improve their utility or intelligibility.

Rule 23 Transitional provisions

57. Rule 23 makes transitional provision in relation to the Amendment Rules. Matters which are already on foot immediately before the Amendment Rules come into force are not affected except where a consistory court or appeal court orders that the amended rules are to apply in a particular case.

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New Schedule 1 – Lists A and B

SCHEDULE 1

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⁽¹⁾
- 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;

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.

(1) “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”.

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.	
<u>(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</u>	The parochial church council's insurers are notified if external scaffolding is to be erected
<u>(b) works of repair not materially affecting the fabric or any historic material</u>	
(2) Repairs and replacement of fittings in existing kitchens, lavatories, office accommodation and other ancillary rooms	
(3) Like for like repairs to window glass	<u>The works do not include repairs to stained glass or to clear glass manufactured before 1960</u>
(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
<u>(5) The treatment of timber against beetle or fungal activity where the church is not a listed building</u>	<u>The works do not involve the replacement of timber</u>
<u>(6) Works of maintenance, repair and adaptation (not amounting to substantial addition or replacement but including re-wiring) to existing—</u>	The works do not involve making additions to an electrical installation
(a) <u>heating systems (including the replacement of control equipment)</u>	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) <u>gas, water or other services</u>	
(c) <u>electrical installations (including lighting installations) and other electrical equipment</u>	<u>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))</u>

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

(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 (<u>including safes</u>) 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
<u>(19) The installation of bird netting to tower windows</u>	
<u>(20) The adaptation of an existing sound reinforcement system</u>	<u>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))</u> <u>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)</u>
<u>(21) The introduction of a defibrillator in a church which is not a listed building</u>	

A2. Musical instruments

(1) The introduction or disposal of musical instruments (<u>other than pipe organs and non-portable electronic organs</u>) and associated equipment	No article of historic or artistic interest is disposed of
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(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 motors and humidification equipment for organs
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))

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—

- 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

No article being introduced is fixed to historic fabric

- (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 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

Any new disturbance below ground level is kept to a minimum

(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)

Any new disturbance below ground level is kept to a minimum

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

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

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

The licence is in a form approved by the chancellor

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

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—
 (a) that is dying or dead; or
 (b) 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
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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>
<p>B1. Church building etc.</p> <p>(1) <u>Works of repair affecting the fabric or historic material</u></p>	<p><u>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</u></p> <p><u>The repair does not involve the substantial replacement of a major part of the fabric or of historic material</u></p> <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>
<p>(2) The installation of a wall offertory box</p>	<p>The installation does not affect historic fabric</p>
<p>(3) Works of external or internal redecoration (other than to areas of historic wall painting, even if already painted over)</p>	<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>
<p>(4) The treatment of timber against beetle or fungal activity <u>where the church is a listed building</u></p>	<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)

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

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

(6) The like for like replacement of roof lead or other material covering the roof of a listed building

The original introduction of the material being replaced was authorised

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

(7) The installation of lighting and safety equipment

The lighting or other equipment—

- 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—

- (a) bearings and their housings
- (b) gudgeons
- (c) crown staple assembly
- (d) steel or cast iron headstocks
- (e) wheels

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

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—

- (a) bell bolts
- (b) a wrought iron clapper shaft with a wooden-shafted clapper

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

(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”
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