

GENERAL SYNOD
FACULTY JURISDICTION (AMENDMENT) RULES 2023
Explanatory Notes

The Faculty Jurisdiction (Amendment) Rules 2023 amend the Faculty Jurisdiction Rules 2015 so that they address the issue of what is commonly referred to as 'contested heritage'. They also correct a cross reference in the 2015 Rules.

Background

1. The Dean of the Arches and Auditor, following discussion with the Archbishops' Racial Justice Commission ('ARJC'), convened the Rule Committee to consider the making of amendments to the Faculty Jurisdiction Rules so that they address the issue of what is commonly referred to as 'contested heritage'.
2. The relevant report of the ARJC is available online at [ACRJ First Report - Spring 22.pdf \(churchofengland.org\)](#). See in particular pp. 14, 15 and 21-24.
3. Following engagement with the ARJC, the Church Buildings Council ('CBC') has established a specialised committee with a diverse membership which prepares drafts of guidance on contested heritage. That guidance is then issued by the CBC under section 55 of the Dioceses, Pastoral and Mission Measure 2007. The current CBC guidance is available online at [Contested Heritage | The Church of England](#).
4. The Faculty Jurisdiction Rules in their current form are available [here](#).
5. The amendments made by the Amendment Rules will:
 - a. require intending applicants for a faculty, in formulating proposals relating to contested heritage, to have due regard to statutory guidance on that subject issued by the Church Buildings Council and to demonstrate that they have done so; and
 - b. require Chancellors, when giving reasons for granting a faculty or for dismissing a faculty petition, to state how a decision has taken statutory guidance into account.

Notes on the provisions of the Amendment Rules

Rule 1 (Citation, commencement and interpretation)

6. Rule 1 makes certain standard technical provisions. In particular, it provides for the Amendment Rules to come into force on 1st January 2024. This allows time for them to be laid before Parliament and for the required 40 sitting days for both Houses to elapse before the amendments come into force.

Rule 2 (Guidance in relation to monuments etc. conflicting with role of church)

7. Rule 2 provides that persons proposing the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with the role of a church as a local centre of worship and mission* must, as part of the procedure, provide an explanation of how they have had due regard to guidance issued by the Church Buildings Council.
8. Paragraph (1) amends rule 4.2 of the 2015 Rules which sets out the documents which have to be submitted to the Diocesan Advisory Committee ('DAC') when seeking its advice on proposals. Where proposals involve the movement, removal or alteration of a statue, plaque, memorial, monument or other article because it is considered to conflict with the role of the church as a local centre of worship and mission, the applicants will be required to provide an explanation of how they have had due regard to relevant guidance issued by the CBC (with the advice of its contested heritage committee).
9. Paragraph (2) amends rule 4.9 of the 2015 Rules which sets out what must be dealt with in the DAC's notification of advice. In a case that involves a monument etc. that is considered to conflict with the church's role, the DAC will be required to state whether it considers the applicants' explanation of how they have had due regard to the relevant CBC guidance is adequate; and, if it considers that it is not adequate, to give its reasons for that opinion.
10. Paragraph (3) amends rule 5.5 of the 2015 Rules which sets out the documents which must accompany a faculty petition (i.e. the formal application to the consistory court). In a case that involves a monument etc. that is considered to conflict with the church's role, an explanation of how those applying for the faculty have had due regard to relevant CBC guidance must be submitted with the faculty petition.

Rule 3 (Chancellor's reasons to state how guidance taken into account)

11. Rule 3 amends rule 7.3 of the 2015 Rules which is concerned with the giving by the chancellor of reasons for the grant or refusal of a faculty. As amended by rule 3, rule 7.3 of the 2015 Rules will require the chancellor, when giving reasons for the grant or refusal of a faculty, to identify, and state how the chancellor has taken into account, any relevant statutory guidance issued by the CBC.
12. This requirement will apply to all cases where the CBC has issued statutory guidance which is relevant to the proposals under consideration, not just to cases involving a monument etc. that is considered to conflict with the role of the church.

Rule 4 (Correction of reference)

13. Rule 4 corrects a cross reference in the 2015 Rules.

* A person who carries out functions of care and conservation relating to churches under the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 or other legal provision is required by section 35 of that Measure to "have due regard to the role of a church as a local centre of worship and mission". The Rule Committee therefore considered that it would be apt to identify the category of cases with which the amendments are concerned by reference to monuments etc. "considered to conflict with the role of the church as a local centre of worship and mission".

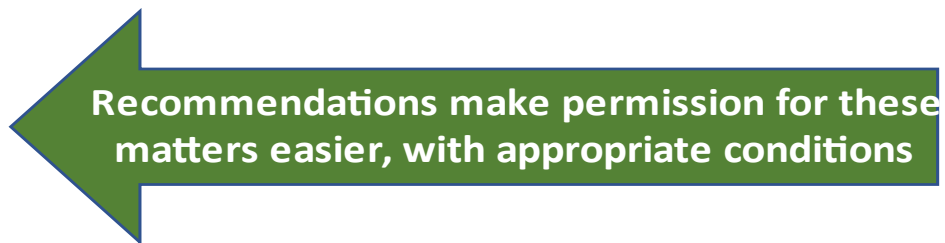
Rule 5 (Transitional provisions)

14. Rule 5 makes transitional provision in relation to the Amendment Rules. In general, matters which are already underway before the Amendment Rules come into force are not affected.
15. The duty of the chancellor to identify relevant CBC guidance and state how it has been taken into account in determining a faculty petition are not subject to transitional provisions. Accordingly, that duty will come into operation immediately on the coming into force of the Amendment Rules.

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June 2023

Summary of Net-Zero Caron Faculty Working Group's recommendations



Net Zero Carbon matters:

- Draught-proofing of doors and windows
- Pipework insulation
- Low energy light fittings
- New non-fossil-fuel boilers (i.e.**not** oil or gas)
- Roof insulation in non-listed buildings
- Soft furnishings e.g. cushions, removable floor runners
- Electric vehicle charging points
- Solar panels on non-listed buildings, which are not in conservation areas
- Electric pew heaters

Other matters

- Cable trenches e.g. for installing broadband connections
- Earth mats for lightning conductors
- Wrought-iron clapper shafts



- Like-for-like replacements of fossil fuel (i.e. oil and gas) boilers
- Replacement of oil tanks

FACULTY JURISDICTION (AMENDMENT) RULES 2022

MARKED-UP TEXT OF 2015 RULES

2.2 Interpretation

(1) In these Rules—

“the archdeacon” means the archdeacon of the archdeaconry in which the church, churchyard or other building or place to which the proceedings relate is situated or, where an instrument made under section 9(1) of the Church of England (Miscellaneous Provisions) Measure 1983 is in force, the person appointed to perform the functions of the archdeacon to which these Rules relate;

“appeal court” means the court in which an appeal is brought and includes a Commission of Review;

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

“the chancellor” means the chancellor (or, in the case of the diocese of Canterbury, the Commissary General) of the diocese ;

“church” includes—

any building which is licensed for public worship according to the rites and ceremonies of the Church of England and is subject to the faculty jurisdiction, and

the curtilage of a church unless the contrary intention appears;

“churchyard” includes a consecrated burial ground not adjacent to the church;

“conservation area” means a conservation area designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

“costs” includes—

fees, charges, disbursements, expenses and remuneration, and

any costs and expenses which a person may be ordered to pay under section 69(2) of the Measure;

“the court” means the consistory court of the diocese or, in relation to an appeal, the appeal court;

“Historic Buildings & Places” means the Ancient Monuments Society (the working name of which is “Historic Buildings & Places”);

“Historic England” means the Historic Buildings and Monuments Commission for England;

“exhumation” includes the removal of a body (or part of a body) or of cremated human remains from a catacomb, mausoleum, vault or columbarium;

“injunction” means an injunction issued under section 71 of the Measure;

“intending applicant” means a person who intends to start proceedings in the consistory court for a faculty, injunction or restoration order;

“interim faculty” means a faculty issued under Part 15;

“listed building” has the same meaning as it has in the Planning (Listed Buildings and Conservation Areas) Act 1990;

“listed church” means a church which is a listed building;

“the Measure” means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018;

“minister”, in relation to a parish, has the same meaning as in Part 4 of the Measure (see section 80(1) of that Measure);

“national amenity society” has the same meaning as in Part 3 of the Measure (see section 55(1) of that Measure);

“net zero guidance” means guidance issued by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 on reducing carbon emissions;

“party opponent” means a person who to any extent opposes the grant of a faculty and who has become a party to the proceedings;

“petitioner” means a person who starts faculty proceedings by submitting a petition to the consistory court;

“the registrar” means the registrar of the court;

“the registry” means—

in relation to a consistory court, the registry of the diocese for which that court is constituted;
in relation to an appeal court, the office of the registrar of that court;

“relevant person or body” means, in relation to a building which is included in the list maintained by the Church Buildings Council under section 38(1) of the Measure, the person or body entitled to make an application in respect of the building under section 40 of the Measure;

“restoration order” means an order made under section 72 of the Measure.

- (2) These Rules apply to the Commissary Court of Canterbury as they apply to a consistory court.
- (3) These Rules apply to a listed building of grade A, B or C as they apply to, respectively, a listed building of grade I, II* or II.
- (4) A reference in these Rules to a numbered form is a reference to the form bearing that number in Schedule 3.
- (5) A reference in these Rules to a building included in the list maintained by the Church Buildings Council under section 38(1) of the Measure includes—
 - (a) any curtilage, monument, object or structure included in the list under section 39(2) of the Measure; and
 - (b) any object or structure fixed to the building.
- (6) For the purposes of these Rules, faculty proceedings are opposed only if there is a party opponent to the proceedings and references to a petition or to proceedings being opposed or unopposed are to be construed accordingly.
- (7) Rule 21.2 makes further provision for the interpretation of Parts 21 to 27 (Appeals).

3.3 Undertaking matters in List B without a faculty

- (1) An authorised person may undertake any matter prescribed in the first column of Table 2 in Schedule 1 (“List B”) without a faculty—
 - (a) if the archdeacon has been consulted on the proposal to undertake the matter and has given notice in writing that it may be undertaken without a faculty; and
 - (b) subject to—
 - (i) any conditions that are specified in relation to that matter in the corresponding place in the second column of Table 2; and
 - (ii) any additional conditions imposed by the archdeacon under paragraph (2)(b).
- (1A) If the proposal involves a matter to which net zero guidance applies, the proposal must include an explanation of how the applicants, in formulating the proposal, have had due regard to that guidance.**
- (2) Where the archdeacon is consulted under paragraph (1)(a) on the proposal to undertake a matter, the archdeacon—
 - (a) must seek the advice of the Diocesan Advisory Committee or such of its members or officers as the archdeacon thinks fit before deciding whether to give notice that it may be undertaken without a faculty; and
 - (b) may make the undertaking of the matter subject to additional conditions specified by the archdeacon in the notice.
- (3) A notice given by the archdeacon under paragraph (1)(a) must specify the proposals which may be undertaken without a faculty.
- (4) The archdeacon must retain a copy of every notice given under paragraph (1)(a) and must also send a copy to—
 - (a) the registrar of the diocese for filing in the diocesan registry; and
 - (b) the secretary of the Diocesan Advisory Committee.
- (5) If the archdeacon declines to give notice under paragraph (1)(a) that a proposal may be undertaken without a faculty the archdeacon must inform the applicants that they may, if they wish, petition the court for a faculty to authorise the proposal.
- (6) If the archdeacon is the incumbent or priest in charge of a benefice where it is proposed to undertake a matter that is prescribed in List B, references in this rule to the archdeacon are to be read as if they were references to the chancellor.

4.1 Process for consultation and obtaining advice—outline

- (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—
 - (in) 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
- (2A) The requirements under this Part to consult certain specified bodies do not prevent an intending applicant from consulting any other body or person.**
- (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).

4.2 Documents etc to be submitted to Diocesan Advisory Committee

- (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 **including, in the case of matters to which net zero guidance applies, an explanation of how the intending applicants, in formulating the proposals, have had due regard to that guidance;**
 - (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.

4.7 Consultation: procedure

- (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.
- (3) 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.
- (4) **Where a body which was not informed of consultation in accordance with paragraph (1) nevertheless responds to the consultation in question, the response need not be (but may be) taken into account, regardless of when it is received.**
- (5) **Where consultation under rule 4.5 or 4.6 is sent by means of an online system, any response to that consultation must itself, so far as is practicable, be sent by means of that online system.**

4.9 Notification of advice

- (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.
- (7A) In the case of works or proposals involving matters to which net zero guidance applies, the Committee's advice must include a statement of—**
 - (a) whether, in its opinion, the explanation under rule 4.2(2)(b) is adequate, and**
 - (b) if its opinion is that the explanation is not adequate, its reasons for that opinion.**
- (8) The notification of advice must state—
 - (a) which of the bodies mentioned in rule 4.5 or 4.6 (if any) have been consulted on the works or proposals, **and**

(b) if any other body of person has been consulted, the name of that body or person.

- (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).

5.5 Documents etc to accompany petition

- (1) Where proceedings are started pursuant to a resolution of the parochial church council the standard information in Form 1A must be submitted with the petition.
- (2) Where the proceedings are started by the relevant person or body (in the case of a building included in the list maintained by the Church Buildings Council under section 38(1) of the Measure) the standard information in Form 1B must be submitted with the petition.
- (3) The following must also be submitted with every petition—
 - (a) the Diocesan Advisory Committee's notification of advice (except in a case to which rule 4.1(2) or 5.2(4) applies);
 - (aa) where rule 4.4(1) applies, the statement of significance and the statement of needs that were provided to the Diocesan Advisory Committee;
 - (b) any relevant designs;
 - (c) any relevant plans;
 - (d) any relevant photographs;
 - (e) any advice or other material relating to the environmental implications of the works or other proposals **including, in the case of matters to which net zero guidance applies, an explanation of how the petitioner, in formulating the proposals, has had due regard to that guidance;**
 - (f) any other documents giving particulars of the works or other proposals; and
 - (g) copies of any relevant correspondence received from a body mentioned in rule 4.5(6).
- (4) Where a petition seeks a faculty to authorise the demolition or partial demolition of a church under [section 62(2) or (3)] of the Measure, the written consent of the bishop of the diocese to the proceedings being brought must also be submitted with the petition.

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

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;

“curtilage”, in relation to a church, means any land (whether or not consecrated for burials) which is—

(a) part of the curtilage of the church, or

(b) if there is a church hall or other similar building subject to the faculty jurisdiction, part of the curtilage of that other building;

“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.

Notes on net zero guidance

Those proposing to undertake a matter without a faculty should make themselves aware of net zero guidance (that is, guidance issued by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 on reducing carbon emissions).

Where a matter to which net zero guidance applies is included in List B, the proposal sent to the archdeacon must include an explanation of how the applicants, in formulating the proposal, have had due regard to that guidance.

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
(4A) Draught proofing an external door or window	The works do not affect the overall appearance or operation of the door or

window and do not involve the replacement of a component.

- (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 **and the insulation of pipes in the boiler room and ancillary service areas**)
- 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))
- (c) **lighting installations, other electrical installations and other electrical equipment (but not the replacement of light fittings, and see matter B1(8)(b) in List B as to fittings for low-energy lamps).**
- In the case of adaptation, the parochial church council's insurers are notified of the proposals
- (7) (a) The replacement of a boiler in the same location and utilising an existing **non-fossil** fuel supply ~~and existing pipe runs, whether with existing or similar 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)~~
- (See matter B1(5) in List B for replacement using different fuel supply ~~or pipe runs~~)
- (b) **The replacement of a flue liner**
- ~~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 installation of roof insulation is considered

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| | 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 or to an earth mat connected 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 (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 |

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| (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

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| (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 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

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| (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

(5) The like for like replacement of a wrought iron clapper shaft

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

	<p>paintings</p> <p>textiles of historic or artistic interest</p> <p>church plate (including candlesticks and crosses)</p>
(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	<p>The introduction, removal or disposal of the articles does not result in a major change to the overall appearance of the church</p> <p>No article of historic or artistic interest is removed or disposed of</p>
(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 systems	
	No article being introduced is fixed to historic fabric
(5) The removal or disposal of—	No article of historic or artistic interest is removed or disposed of
(a) redundant sound reinforcement equipment	

- (b) carpet
- (c) free-standing chairs (but not pews, benches or stalls)
- (6) The like for like replacement of carpet **or the introduction or replacement of movable floor coverings between individual pews** Only breathable material is used
- (7) Treatment of fixtures and furniture against beetle or fungal activity No article of historic or artistic interest is removed or disposed of
- (8) The replacement of curtains (other than curtains and other hangings associated with an altar) No material of historic or artistic interest is treated
- (9) The introduction of free-standing chairs in a church which is not a listed building See matter B4(6) in List B for treatment of material of historic or artistic interest
- (10) 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
- (11) The introduction of free-standing chairs in a church which is not a listed building
- (12) 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
- (13) 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 **The installation of roof insulation is considered**
- (4) The introduction of a defibrillator in a building which is not a listed building

A7 Churchyard etc.

- (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)
- (See matter B6(4A) in List B for replacement gas tanks)**
- 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 Advertisements) (**England**) 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

(11) The installation in the churchyard or elsewhere in the curtilage of the church of an upstand with an electrical outlet mounted on it for recharging an electric vehicle, where the church is not a listed building

The upstand and outlet together do not exceed 1.6 metres in height from the level of the surface used for parking vehicles

Any new disturbance below ground level is kept to a minimum

The upstand is situated in an area which may be lawfully used for off-street parking

The upstand is not situated within 2 metres of a highway

No more than one upstand is provided for each parking space

The work is carried out by a body or person who is registered with the relevant government department or other body responsible for accreditation

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	<p>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</p> <p>The repair does not involve the substantial replacement of a major part of the fabric or of historic material</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>

	The parochial church council's insurers are notified if external scaffolding is to be erected
(2) The installation of a wall offertory box	The installation does not affect historic fabric
(3) Works of external or internal redecoration (other than to areas of historic wall painting, even if already painted over)	Details of materials and colours are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter
	The overall appearance of the building is not changed
	The parochial church council's insurers are notified if external scaffolding is to be erected
(4) The treatment of timber against beetle or fungal activity where the church is a listed building	The works do not involve the replacement of timber
(5) The replacement of a boiler in the same location utilising a different fuel supply or 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
(See matter A1(7) in List A for replacement using existing fuel supply or pipe runs)	
The replacement of a boiler, whether in the same or substantially the same location and utilising, whether with existing or similar pipe runs—	Any work to an oil-fired heating system is carried out by a person whose work is subject to an accredited certification system (as defined in rule 3.1(6))
(a) a non-fossil fuel supply in place of a fossil fuel supply, or	
(b) a different non-fossil fuel supply.	
(See matter A1(7)(a) in List A for replacement using existing non-fossil fuel supply)	
(6) The like for like replacement of roof lead or other material covering the roof of a listed building	The parochial church council's insurers are notified of the proposals
	The original introduction of the material being replaced was authorised
	The installation of roof insulation is considered
	The parochial church council's insurers are notified of the proposals
(6A) The installation of roof insulation in a church which is not a listed building	The insulation material is chosen, and the method of installing the material is decided upon, after obtaining specialist advice

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| (7) The installation of lighting and safety equipment | <p>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</p> <p>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))</p> <p>The installation will not affect any graves or vaults</p> <p>The parochial church council's insurers are notified of the proposals</p> |
| (8) (a) The extension of an existing lighting system | <p>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))</p> <p>The parochial church council's insurers are notified of the proposals</p> |
| (b) The replacement of light fittings with fittings suitable for low-energy lamps | |
| (9) The installation of a lightning conductor or the connection of an earth mat to a lightning conductor | <p>The parochial church council's insurers are notified of the proposals</p> <p>The parochial church council is satisfied that the person who is to undertake the work has the necessary skill and experience</p> |
| (10) The installation of closed circuit television for security purposes | <p>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</p> <p>Regard is had to any guidance issued by the Church Buildings Council relating to privacy and the protection of personal data</p> <p>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))</p> |

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| (11) The installation of security and fire alarms | <p>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</p> <p>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))</p> |
| (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 | |
| (14A) The mounting of an electrical outlet for recharging an electric vehicle on an external wall of a church which is not a listed building | <p>The outlet is mounted at a height not exceeding 1.6 metres from the level of the surface used for parking vehicles</p> <p>Any new disturbance below ground level is kept to a minimum</p> <p>The wall is adjacent to an area which may be lawfully used for off-street parking</p> <p>The wall is not situated within 2 metres of a highway</p> <p>The work is carried out by a body or person who is registered with the relevant government department or other body responsible for accreditation</p> |
| (15) The introduction of fixed audio-visual equipment in a church which is not a listed building | <p>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</p> |
| (16) The removal of asbestos | <p>Works, other than works of minor reinstatement and repair, will not be required following the removal of the asbestos</p> |
| (17) The refurbishment of facilities for serving refreshments | <p>The original introduction of the facilities being refurbished was authorised</p> |
| (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

(20) The installation of photovoltaic panels on a church which is not a listed building or in a conservation area

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~~ **a sound control measure in a belfry**
- 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 **other than movable floor coverings between individual pews** (see **matter A5(6)** in List A for like for like replacement of carpets **and introduction or replacement of movable floor coverings between individual pews**)

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 **an electrical** 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))

- (10A) The installation of an electrical heating system for attachment to pews made in or after 1850 and which are not of historic interest**

Details of the appliances, their proposed location and fixing 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))
	No article of historic or artistic interest is removed or disposed of
(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	
(2) The installation of roof insulation in a building which is not a listed building	The insulation material is chosen, and the method of installing the material is decided upon, after obtaining specialist advice
(3) The mounting of an electrical outlet for recharging an electric vehicle on an external wall of a building which is not a listed building	The outlet is mounted at a height not exceeding 1.6 metres from the level of the surface used for parking vehicles
	Any new disturbance below ground level is kept to a minimum
	The wall is adjacent to an area which may be lawfully used for off-street parking
	The wall is not situated within 2 metres of a highway
	The work is carried out by a body or person who is registered with the relevant government department or other body responsible for accreditation
(4) The installation of photovoltaic panels on a building which is not a listed building or in a conservation area	
B6 Churchyard etc.	
(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 Advertisements) (**England**) Regulations 2007 are complied with
- (4A) The replacement of gas tanks (and associated pipe work)**
- (See matter A7(8) in List A for disposal of gas and oil tanks)**
- No works of excavation are involved, other than the digging of a trench which—**
- (a) where it is underneath land used for the passage of vehicles (whether or not a public right of way), is at a depth of 600 millimetres, and**
- (b) where it is underneath a footpath (whether or not a public right of way), is at a depth of 450 millimetres**
- 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 Safety 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 replacement tank is of similar dimensions and in substantially the same location**
- If articulated human remains are discovered in the carrying out of the work, the work ceases, the discovery is reported**

to the court and the work does not resume until the court so orders.

- (5) The introduction of a defibrillator where the church is a listed building
- Any new disturbance below ground level is kept to a minimum
- (5A) The installation in the churchyard or elsewhere in the curtilage of the church of an upstand with an electrical outlet mounted on it for recharging an electric vehicle, where the church is a listed building**
- The upstand and outlet together do not exceed 1.6 metres in height from the level of the surface used for parking vehicles**
- Any new disturbance below ground level is kept to a minimum**
- The upstand is situated in an area which may be lawfully used for off-street parking**
- The upstand is not situated within 2 metres of a highway**
- No more than one upstand is provided for each parking space**
- The work is carried out by a body or person who is registered with the relevant government department or other body responsible for accreditation**
- (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
- (9) The digging of a cable trench and the installation of cables, and the attachment of wiring, in the trench**
- A plan showing the proposed route of the trench is submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter and the archdeacon approves the route proposed**
- No cables exceed 1000 volt rating**
- Where the trench is underneath land used for the passage of vehicles (whether or not a public right of way), the depth of the trench is 600 millimetres**
- Where the trench is underneath a footpath (whether or not a public right of way),**

the depth of the trench is 450 millimetres

If articulated human remains are discovered in the carrying out of the work, the work ceases, the discovery is reported to the court and the work does not resume until the court so orders

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—

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

(a) that is dying or dead; or

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

(b) has become dangerous

(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
