
STATUTORY INSTRUMENTS

2000 No. 2048

ECCLESIASTICAL LAW, ENGLAND

The Faculty Jurisdiction (Care of Places of Worship) Rules 2000

Approved by the General Synod *10th July 2000*

Made - - - - *10th July 2000*

Laid before Parliament *31st July 2000*

Coming into force in accordance with Rule 1

In pursuance of sections 14, and 26(1) and (2) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991⁽¹⁾, the Rule Committee constituted in accordance with section 25 of the said Measure makes the following Rules:—

PART I
PRELIMINARY

Citation and Commencement

1. These Rules may be cited as the Faculty Jurisdiction (Care of Places of Worship) Rules 2000 and shall come into force on the day appointed under Section 7(2) of the Care of Places of Worship Measure 1999⁽²⁾ for the coming into operation of Section 3 of that Measure.

Interpretation

2.—(1) In these Rules

“the 1991 Measure” means the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;

“the Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990⁽³⁾;

“advisory committee” in relation to a diocese or archdeaconry means (subject to section 3(5) (b) of the Measure) the Diocesan Advisory Committee of the diocese or of the diocese in which the archdeaconry is situated, as the case may be;

“the archdeacon” means the archdeacon of each archdeaconry in the diocese;

“building” means any building (as defined in Section 6(1) of the Measure) included in the list, and includes:

(1) 1991 No. 1.
(2) 1999 No. 2.
(3) 1990 c. 9.

(a) any curtilage, monument, object or structure included in the list under section 1(4) of the Measure, and

(b) any object or structure fixed to the building, as so defined;

“building listed under the Act” means a building which is or is part of a listed building as defined by the Act;

“the chancellor” and “the registrar” in relation to any proceedings mean (subject to section 3(5) of the Measure) the chancellor and the registrar respectively of the diocese in which the building is situated (or is deemed to be situated under section 6(3) of the Measure) and include any person appointed to act as the deputy of the chancellor or registrar, as the case may be;

“confirmatory faculty” means a faculty which validates any act requiring a faculty which has been done without prior authorisation by faculty;

“the Council” refers the Council for the Care of Churches;

“diocese” means the diocese in which the building concerned is situated (or is deemed to be situated under Section 6(3) of the Measure);

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

“exhumation” means the removal from the ground, catacomb, mausoleum, or columbarium of a body or cremated human remains;

“faculty”, “petition for a faculty”, or “proceedings for a faculty” mean a faculty, petition or proceedings in relation to a building;

“interim faculty” means any licence or order made by the chancellor in respect of any works or proposals pending the final determination by him of a petition for faculty for such works or proposals;

“list” means the list maintained by the Council for the Care of Churches under Section 1(1) of the Measure;

“the Measure” means the Care of Places of Worship Measure 1999;

“national amenity society” means any of the following, the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society, the Twentieth Century Society and such other body as may from time to time be designated by the Dean of the Arches and Auditor as a national amenity society for the purpose of the 1991 Measure;

“Statement of Needs” means a document which sets out the reasons why it is considered that the needs of the users of the building cannot be met without making changes to the building;

“Statement of Significance” means a document which summarises the historical development of the building and identifies the important features that make major contributions to the character of the building.

(2) The Interpretation Act 1978⁽⁴⁾ shall apply for the interpretation of these Rules as it applies for the interpretation of Measures passed by the General Synod.

PART II

PETITION AND PUBLIC NOTICE

Petitioner

3. The persons who may institute proceedings for a faculty in relation to a building shall include:
- (a) any person or body who may make an application for inclusion of the building in the list under the Measure;
 - (b) any other person appearing to the chancellor to have a sufficient interest in the matter.

Seeking Advisory Committee Advice

4.—(1) Before submitting a petition for a faculty in the consistory court an intending applicant should seek the advice of the advisory committee in respect of the works or other proposals for which a faculty is required (except where the action proposed relates exclusively to exhumation or the reservation of a grave space).

(2) An intending applicant should submit to the advisory committee designs, plans, photographs and other documents giving particulars of the works or other proposals together with a summary list of the works or proposals.

(3) Where significant changes to a building listed under the Act are proposed the intending applicant should

- (a) provide the advisory committee (in addition to the particulars required by paragraph (2) of this rule) with a Statement of Significance and a Statement of Needs, and
- (b) if the works fall within paragraph 1 of Appendix B consult English Heritage, such of the national amenity societies as appears likely to have an interest in the building or the works, and the local planning authority in accordance with Appendix B.

(4) If the advisory committee decides to recommend the works or proposals or to raise no objection to them its decision together with any provisos shall be set out in a certificate in Form No 1 in Appendix C and shall be sent to the intending applicant together with the designs, plans, photographs and other documents which were submitted to the advisory committee under paragraph (2) of this rule and are the subject of the certificate.

(5) If the advisory committee decides not to recommend the works or proposals it shall inform the intending applicant by way of a certificate in Form No 1 in Appendix C and shall advise them that they are entitled to petition for a faculty from the chancellor, if they so wish, notwithstanding the committee's decision.

(6) When the advisory committee issues a certificate under paragraph (4) or (5) the certificate may include a recommendation to the intending applicant that they should consult English Heritage, or the local planning authority, or one or more of the national amenity societies, or the Council for the Care of Churches or any other body or person about some or all of the works or other proposals for which a certificate is sought if they have not already done so, and the advisory committee shall consider including such a recommendation in any case where it appears to the committee that the works

- (a) involve alteration to or extension of a building listed under the Act to such an extent as is likely to affect its character as a building of special architectural or historic interest, or
- (b) are likely to affect the archaeological importance of the building or archaeological remains existing within the building, or
- (c) in the case of a building in a conservation area (but not listed under the Act), will involve demolition affecting the exterior of the building.

Submission of Petition

5.—(1) As soon as they have received the advice of the advisory committee under paragraph (4) or (5) of rule 4 the applicant may submit to the diocesan registry a petition for a faculty in Form No 2 in Appendix C in respect of the works or other proposals and

- (a) the works or other proposals shall be fully and accurately stated in the petition and shall be the same as those in respect of which the advisory committee has supplied a certificate in Form No 1 in Appendix C under paragraphs (4) or (5) of rule 4, and
- (b) any designs, plans, photographs and other documents giving particulars of the works or proposals for which the faculty is required, together with the certificate of the advisory committee relating to those documents, shall be submitted with the petition.

(2) Notwithstanding that any of the requirements of rule 4 have not been complied with a petition may at any time be submitted to the diocesan registry and every petition shall (subject to rule 36) be in Form No 2 in Appendix C.

Petition for Partial Demolition or Demolition

6. A petition for a faculty for the partial demolition or demolition of a building shall include all such statements and information, so far as relevant, as are required by Form No 2 in Appendix C.

Public Notice of Petition for a Faculty

7.—(1) As soon as a petitioner is ready to submit a petition for a faculty the petitioner shall fill in the public notice in Form No 3 in Appendix C and shall describe the works or proposals in the public notice in the same manner as they are described in the schedule to this petition.

(2) Notwithstanding paragraph (1) above any petitioner may, if he so wishes, consult the registrar for advice prior to completing any petition or public notice, and he should do so in respect of the public notice where the petition relates to a matter which is not within Appendix A.

- (3) As soon as a petitioner has filled in the public notice he shall immediately
 - (a) send or deliver to the registry the petition and the documents required by rule 5(1)(b);
 - (b) send the public notice to the registrar, and the registrar may give such directions to the petitioner regarding display of the public notice as are appropriate in the circumstances of the case and the public notice shall be displayed in accordance with those directions;
 - (c) send a copy of the public notice to English Heritage or other grant making body in accordance with the terms of any previous grant.
- (4) If on receipt of the petition and public notice the registrar considers that
 - (a) the works or proposals are not adequately described in the public notice, or
 - (b) the public notice should be displayed in a place or places other than or in addition to those specified in paragraph (5), or
 - (c) the public notice should be displayed for a period longer than 28 days

then the registrar may give such directions to the petitioner as are appropriate in the circumstances of the case.

- (5) Subject to directions under paragraph (3)(b) or (4) of this rule and to rule 13(10):
 - (a) a copy of the public notice shall be displayed for a continuous period of not less than 28 days in accordance with this paragraph;
 - (b) display of the notice shall take place:
 - (i) inside the building on a notice board or in some other prominent position, and

(ii) on a notice board outside the building or in some other prominent position (whether on the outside of the building or elsewhere) so that it is readily visible to the public.

(6) Upon the expiry of the period of 28 days required under paragraph (5) or such longer period as may be directed by the registrar under paragraph 4(c) of this rule the public notice or a copy thereof shall be returned to the registrar by the petitioner with the certificate of publication duly completed in accordance with Form No 3 in Appendix C.

PART III

MATTERS WITHIN THE ARCHDEACON'S JURISDICTION

Allocation to the Archdeacon

8.—(1) Where a petition for a faculty for any of the works or other proposals specified in Appendix A to these Rules (not being works falling within rule 13(3)) is unopposed and the advisory committee recommends the works or proposals in question or raises no objection to them, the archdeacon may exercise the jurisdiction of the consistory court of the diocese in respect of every petition for a faculty arising in that archdeaconry to the extent provided in that Appendix.

(2) Subject to rule 9, if the registrar is satisfied that the subject matter of the petition falls within the jurisdiction conferred upon an archdeacon under paragraph (1) of this rule the registrar shall endorse the petition accordingly and send it to the archdeacon for consideration.

(3) An archdeacon with jurisdiction under paragraph (1) shall not make a final determination in relation to any petition for a faculty without first seeking the advice of the advisory committee in respect of the works or proposals the subject of the petition, provided that where the advisory committee supplied a certificate in Form No 1 under rule 4(4) above in respect of the same works or proposals not more than 12 months prior to the submitting of the petition the advisory committee may, if appropriate, confirm that they do not wish to alter that certificate.

(4) Having decided to grant a faculty the archdeacon shall endorse the petition accordingly and shall return it to the registrar whereupon the registrar on the expiry of the period for objection specified in rule 16 and provided the petition is unopposed shall issue:

- (a) the faculty in Form No 5 in Appendix C, and
- (b) a certificate in Form No 6 in Appendix C to be completed in accordance with the requirement in the faculty.

(5) If any person objects to the grant of a faculty before the archdeacon has determined the matter the registrar shall notify the archdeacon who shall immediately return the petition to the registrar and if an objection is received after the archdeacon has endorsed the petition under paragraph (4) above the archdeacon's decision shall be of no effect and the petition shall be referred to the chancellor by the registrar and be dealt with by the chancellor.

Referral from the Archdeacon to the Chancellor

9.—(1) An archdeacon who has been personally involved with the petitioner, in relation to the subject matter of the petition or otherwise to such an extent that the archdeacon deems it inappropriate to act in the matter, shall decline to exercise jurisdiction in relation to a petition for faculty and shall so inform the registrar prior to the allocation of the petition, or if this is not practicable shall as soon as possible return the petition and accompanying papers to the registrar who shall immediately endorse the petition as one to be dealt with the chancellor.

(2) An archdeacon may for any reason decline in advance to exercise jurisdiction in relation to any petition for a faculty and may after referral of a petition falling within the archdeacon's jurisdiction,

return the petition to the registrar with a request that the petition or any matter raised in it be referred to the chancellor for decision or advice.

(3) If an archdeacon becomes aware of any matter for which a faculty is required and considers that the matter

- (a) needs to be dealt with as a matter of urgency without reference to the advisory committee for advice in accordance with section 15(2) of the 1991 Measure, or
- (b) may necessitate the issue of an injunction, the making of a restoration order or the grant of any interim faculty pending the final determination of the matter, or
- (c) gives rise to any question as to the payment of costs or expenses,

then, whether or not a petition has been submitted, the archdeacon shall inform the registrar who shall immediately refer the matter to the chancellor who may give such licence or other directions in respect of the matter on such terms or conditions as are appropriate in the circumstances of the case.

Referral by the Registrar to the Chancellor

10.—(1) Notwithstanding anything in rule 8(1) the registrar shall refer the petition to the chancellor when it appears that

- (a) a confirmatory faculty is required, or
- (b) the proposed works or proposals raise a question of law or as to the doctrine, ritual or ceremonial of the Church of England or affect the legal rights of any person or body, or
- (c) any person or body may need to be specially notified, or
- (d) there is uncertainty whether the subject matter of the petition falls within the jurisdiction conferred on the archdeacon by rule 8(1), or
- (e) the advisory committee has not recommended the works or proposals and has so certified by paragraph 4 of Form No 1 in Appendix C, or
- (f) the petition raises matters which may justify the issue of an injunction, or
- (g) for any other reason it is desirable to refer the petition to the chancellor.

(2) Where a matter is being dealt with by the archdeacon if at any stage in the proceedings the registrar becomes aware that information supplied in the petition is incorrect, or that information has been omitted from the petition, so that the matter falls outside the jurisdiction conferred on the archdeacon under rule 8(1) the registrar shall in writing immediately cancel the allocation of the petition to the archdeacon, give written notice thereof to the archdeacon and refer the matter to the chancellor, and the archdeacon shall immediately return the petition and accompanying documents to the registrar.

(3) If any petition is referred to the chancellor pursuant to rules 9(1) or (2), or 10(1) or (2) above then, unless the chancellor orders otherwise, the matter shall proceed from the stage reached in the proceedings immediately before the petition was sent to the archdeacon under rule 8(2) as if the petition had been presented to the chancellor from the commencement of proceedings.

Register of Petitions

11. On receipt of any petition for a faculty for which the advice of the advisory committee is required to be sought under the 1991 Measure or these Rules the registrar shall notify the secretary to the advisory committee of the details of the petition in Form No 7 in Appendix C and the secretary shall enter the details in the register of petitions maintained on behalf of the advisory committee.

PART IV

MATTERS WITHIN THE CHANCELLOR'S JURISDICTION

Matters for Chancellor

12.—(1) Unless otherwise provided in these Rules all faculty matters shall be dealt with by the chancellor.

(2) Any faculty granted by the chancellor in unopposed proceedings shall (subject to rule 36) be issued by the registrar in Form No 5 in Appendix C together with a certificate in Form No 6 in Appendix C to be completed in accordance with the requirement in the faculty.

Requirements as to Notice of Petition

13.—(1) If the chancellor directs or the law otherwise requires any person to be specially notified the registrar shall serve on him a copy of the public notice.

(2) The chancellor may order that relevant details from the public notice be published in such newspapers or other publication and within such period of time as the chancellor directs.

(3) Subject to the generality of rule 13(1), where it appears to the chancellor on preliminary consideration of the petition that the works for which a faculty is sought.

- (a) involve alteration to or extension of a building listed under the Act to such an extent as is likely to affect its character as a building of special architectural or historic interest, or
- (b) are likely to affect the archaeological importance of the building or archaeological remains existing within the building, or
- (c) involve demolition affecting the exterior of a building (which is not listed under the Act) in a conservation area

then, unless it appears to the chancellor from the available information that each of the following bodies has previously been consulted about those works and has indicated that it has no objection or comment to make the chancellor shall direct that English Heritage, the local planning authority and such of the national amenity societies as appears to be likely to have an interest in the building or the works shall be specially notified in accordance with the criteria applicable to consultation set out in paragraphs 2, 3 or 4 of Appendix B as appropriate.

(4) In any case falling within

- (a) paragraph (3)(a) of this rule which affects a building listed under the Act as grade I or grade II* or the exterior of a building listed under the Act as grade II, or
- (b) paragraph 3(c) of this rule,

the chancellor shall direct that a notice stating the substance of the petition and giving a date by which any objection is to reach the registrar shall be published by the petitioner in a newspaper circulating in the locality and publication shall take place within 14 days of the giving of the direction, or within such other period as the chancellor may direct.

(5) If the chancellor considers that the works or proposals will or may affect a grave or memorial maintained by the Commonwealth War Graves Commission the chancellor shall direct that the Commonwealth War Graves Commission be specially notified and the registrar shall pursuant to such direction serve on the said Commission a copy of the public notice.

(6) Where a body has been specially notified pursuant to paragraph (3) or (5) of this rule that body shall have a period of 28 days from the date of service of special notice within which to send to the registry and the petitioner a written notice of objection containing the information required by Form No 4 in Appendix C or to send comments to the registrar in respect of the proposed works.

(7) Where the petition is for a faculty for the partial demolition or demolition of a building and falls within section 17(2) or (3)(a) of the 1991 Measure:

- (a) the registrar shall give notice in writing to the bodies specified in section 17(4)(b) and, if relevant, to the bodies specified in section 17(5)(a) of the 1991 Measure and the bodies concerned shall have a period of 28 days from the date of the notice within which to give advice or to send to the registry and the petitioner a written notice of objection containing the information required by Form No 4 in Appendix C in respect of the proposed partial demolition or demolition,
- (b) the notice stating the substance of the petition (which is required by section 17(4)(a)(ii) of the 1991 Measure to be published by the petitioner in the London Gazette and in such other newspaper as the chancellor may direct) shall be published:
 - (i) in the case of the London Gazette not more than 28 days after the petition was submitted to the registry,
 - (ii) in the case of such other newspapers (including a newspaper circulating in the locality) within such period as the chancellor shall direct or, if no period is directed, within 14 days of the giving of the direction.

(8) Where a petition relates exclusively to exhumation or reservation of a grave space or in any case where the chancellor gives directions in relation to a public notice or an amended public notice then subject to paragraph (9) below the registrar shall complete the public notice and give such directions for display of the public notice as the registrar considers appropriate or as the chancellor has directed.

(9) In the case of a petition for a faculty for exhumation, the chancellor shall have the following powers that is to say:

- (a) if the chancellor is satisfied that any near relatives of the deceased person still living and any other persons who in the opinion of the chancellor it is reasonable to regard as being concerned with the matter are the petitioner or that they consent to the proposed faculty being granted, then the chancellor may dispense with the issue of a public notice and decree the issue of the faculty immediately;
- (b) in any other case the chancellor may dispense with public notice and may direct that any of the persons referred to in sub-paragraph (a) above who are not the petitioner shall be specially notified.

(10) In any case where the chancellor is satisfied that a matter is an emergency that involves interests of safety or health, or the preservation of a building or part of it, and is of sufficient urgency to justify the grant of a faculty without obtaining the advice of the advisory committee, the chancellor

- (a) may dispense with the display of a notice under rule 7, and
- (b) having regard to all the circumstances may direct that a short period of notice be given to the persons or bodies identified in the directions,

and thereafter the chancellor may order the issue of a faculty immediately.

Advice of Advisory Committee

14. Save where a petition relates exclusively to exhumation or reservation of a grave space or the chancellor is satisfied that the matter is sufficiently urgent to justify the grant of a faculty without obtaining the advisory committee's advice the chancellor shall not make a final determination in any petition for a faculty without first seeking the advice of the advisory committee in respect of the works or proposals the subject of the petition, provided that where the advisory committee supplied a certificate in Form No 1 under rule 4(4) in respect of the same works or proposals not more than 12 months prior to the submission of the petition the advisory committee may, if appropriate, confirm that they do not wish to alter that certificate.

Consultation with the Council for the Care of Churches

15.—(1) Paragraph (2) of this rule applies where a petition for a faculty:

- (a) concerns an article of particular historic, architectural, archaeological or artistic interest, and involves the introduction, conservation, alteration or disposal of that article,
- (b) involves the alteration to or extension of a building listed under the Act or the re-ordering of any building, which is likely in the opinion of the chancellor significantly to affect (when completed) the setting of any such article as is described in sub-paragraph (a), or
- (c) involves the movement or removal of any such article, which in the opinion of the advisory committee may be adversely affected thereby unless specific precautions are taken.

(2) Where paragraph (1) applies then, unless the chancellor is satisfied that there has already been consultation with the Council for the Care of Churches in respect of the proposals the subject of the petition, insofar as they relate to the article in question, the chancellor shall direct the registrar to serve on the Council notice in Form No 8 in Appendix C.

(3) In any case not within paragraph 1 of this rule where the chancellor considers that advice from the Council would be of assistance in relation to a petition for a faculty, the chancellor may direct the registrar to serve on the Council notice in Form No 8.

(4) Where notice in Form No 8 is served under this rule, the registrar shall also serve on the Council a copy of the petition and such plans and other relevant documents which were submitted to the Registry under rule 5(1) as the registrar considers appropriate.

(5) The written advice of the Council in response to such a notice shall be sent to the registrar as soon as practicable but in any event no later than six weeks from the date of receipt of the notice; if no such advice is received within six weeks (or such longer period as may be granted on request from the Council), the chancellor may proceed to determine the petition without such advice.

(6) For the purposes of this rule, ‘article’ means an object fixed to land or a building, and a part of any such object.

Objections to Petition

16.—(1) Any interested person who wishes to object to a proposed faculty being granted for all or some of the works or other proposals shall at any time during the period of 28 days display of public notice of the petition required by rule 7(5) or such longer period as may be directed under rule 7(4)(c) write to the registrar and to the petitioner a letter of objection so as to arrive within the period of 28 days.

(2) In this rule “interested person”, in relation to a petition for a faculty, means—

- (a) any person or body of persons (whether or not incorporated) appearing to the chancellor to have a sufficient interest in the subject matter of the petition;
- (b) the archdeacon of the archdeaconry in which the building is situated;
- (c) the local planning authority for the area in which the building is situated;
- (d) any national amenity society;
- (e) any other body designated by the chancellor for the purpose of the petition.

(3) Following receipt of a letter of objection from an interested person (whether as to all or some of the works or proposals) the registrar shall after the end of the period of display of the public notice inform the objector in writing that he may:

- (a) leave the chancellor to take the letter of objection into account in reaching a decision without the objector becoming a party in the proceedings, in which case a copy of the letter of objection will be sent to the petitioner to allow them to comment on it before the chancellor reaches a decision, or

- (b) send or deliver to the registrar formal written particulars of objection in Form No 4 in Appendix C and thereupon become a party in the proceedings.
- (4) The registrar shall in addition—
 - (a) inform the interested person that unless he chooses alternative (b) in paragraph (3) above, he will not be entitled to be heard at any hearing of the matter in open court in the consistory court which the chancellor may decide to hold, nor to make written representations if the proceedings are to be dealt with under rule 26, nor will he be a party to the proceedings for the purpose of any order for costs which may be made by the chancellor under section 60 of the Ecclesiastical Jurisdiction Measure 1963;
 - (b) inform the interested person that if he chooses alternative (b) in paragraph (3) above he will be entitled to participate in the proceedings at a hearing in the consistory court or in any disposal of the proceedings under rule 26 and that he will be a party to the proceedings for the purpose of any order for costs which may be made by the chancellor under section 60 of the Ecclesiastical Jurisdiction Measure 1963, and shall send him a brief statement in terms approved by the chancellor as to the principles which apply to costs in the consistory court; and
 - (c) provide the interested person with a copy of Form No 4 notifying him that if he chooses alternative (b) in paragraph 3 above he must send or deliver his completed Form No 4 to arrive at the registry within 21 days of receipt of the letter of notification and form from the registrar and also serve a copy of his completed Form No 4 on the petitioner within the same period of 21 days at such address as the registrar may direct, and
 - (d) further inform the interested person that if no response and no Form No 4 is received by the registrar within the period of 21 days as required by sub-paragraph (d) above, he will be treated as having chosen the alternative course of action in paragraph (3)(a) and the matter will proceed accordingly.
- (5) Where any person has taken the course of action in paragraph (3)(a), or is to be treated as having done so under paragraph (4)(d), then the registrar shall, after the expiry of the period of 21 days
 - (a) forward a copy of any letter of objection to the petitioner for comment by them within 7 days, and
 - (b) not later than 7 days after expiry of the last date for comment, forward to the chancellor a copy of any letter of objection received under paragraph (1) above, together with any comments received from the petitioner.
- (6) On receipt of any letters or comments forwarded by the registrar under paragraph (5), the chancellor shall take into account in reaching a decision on the petition, or in giving any directions in the proceedings.

Unopposed Petition

17. In a case where either no letter of objection has been received under rule 16 or, if such letter of objection has been received, no particulars of objection have been submitted within the time allowed by rule 16(4)(c), or where the chancellor is satisfied that all the parties concerned consent to the grant of a faculty, the chancellor may, subject to the production of any relevant evidence, and subject to the requirements of section 17 of the 1991 Measure, grant the faculty.

Further pleadings

18. Where particulars of objection have been submitted to the registry the petitioner may, and if ordered to do so shall, submit to the registry a written answer within 21 days of the submitting of those particulars and shall serve a copy of the answer on each of the other parties.

Directions

19.—(1) In any case the chancellor may give directions in writing without a hearing or may hold a hearing for directions which the parties or their representatives (whether or not legally qualified) and such other persons as the chancellor deems fit will be requested to attend. The chancellor or the registrar (if authorised by the chancellor) shall preside at any hearing for directions.

(2) The purposes of the giving of directions are:

- (a) to encourage the parties to co-operate with each other in the exchange of information and documents in preparation for a hearing;
- (b) to fix timetables or otherwise control the progress of the proceedings;
- (c) to identify the issues which will need to be resolved at a hearing;
- (d) to deal with as many aspects of the matter as possible on the same occasion;
- (e) to give directions to ensure that the petition is considered and determined as quickly and efficiently as possible.

(3) Having regard to paragraph (2) above the chancellor or the registrar shall direct as appropriate

- (a) how any evidence may be presented, whether by written statement or report followed by oral evidence at the hearing, or otherwise;
- (b) where there is a large number of objections making a similar point or points in the written objections that a specified number of them shall represent the interest of all those objectors at the hearing and may appear by themselves or by representatives (whether or not legally qualified);
- (c) that there be an exchange of the reports of expert witnesses to be called by the parties and that they be requested to identify matters upon which they agree and those upon which they disagree;
- (d) that the number of expert witnesses to be called on behalf of any party be limited to such number as the chancellor or registrar deems appropriate in the case in question;
- (e) that any reports provided to the chancellor by the advisory committee, the Council for the Care of Churches, English Heritage, any national amenity society or any local planning authority or other body shall be copied to the parties not less than 21 days before the date of the hearing.

(4) In deciding whether and how to exercise the powers under this rule, the chancellor or registrar shall have regard to all the circumstances including:

- (a) the justice of the case;
- (b) the desirability of minimising dispute;
- (c) saving unnecessary expense;
- (d) avoiding delay;
- (e) the number of objectors and the grounds of objection to the proposals.

Time and Place of Hearing

20.—(1) Within the period of 28 days after expiry of the last date for compliance with any directions given under rule 19 above, or where the case is one to which section 17(4)(d) of the 1991 Measure applies, the registrar shall lay all the documents submitted to the registry before the chancellor who shall give directions as to a time and place for the hearing of the case.

(2) In addition to notifying the parties the registrar shall send to the archdeacon, the Council, the advisory committee, and any other body which has given advice to the chancellor, written notice of the time and place of the hearing.

Evidence

21.—(1) The evidence at the hearing of any proceedings for a faculty shall be given orally save that the chancellor upon application by a party of the court of its own motion may by order direct

- (a) that all or any part of the evidence may be given before an examiner appointed by the chancellor or by affidavit, or
- (b) subject to paragraphs (2) and (3) below, that a written statement may be given in evidence without the attendance of the maker of the statement.

(2) An application to submit a written statement in evidence at the hearing may be made by or on behalf of any person who is not a party to the proceedings and the chancellor may give leave for a written statement to be admitted in evidence without the attendance of the maker of the statement provided that a copy of the written statement is submitted to the registry and that a copy is delivered by that person to the parties not less than 21 days before the date of the hearing.

(3) Notwithstanding anything in paragraph (1) above, the chancellor shall be entitled on receiving a copy of a written statement to require the attendance at the hearing of the maker of the statement for cross-examination by the parties, and if any party on receiving a copy of the statement applies to the chancellor for an order requiring the attendance of the maker of the statement at the hearing for cross-examination, the chancellor may make an order accordingly, and in the event of the failure of the maker of the statement to attend the hearing when required to do so under this paragraph, his written statement shall not be admitted in evidence save in exceptional circumstances with the leave of the chancellor.

Petition for Partial Demolition or Demolition

22. An application to give evidence made by a member of the Council for the Care of Churches or other person by virtue of section 17(4)(d) of the 1991 Measure shall be made to the registrar and shall

- (a) if made by a member of the Council or a person authorised by the Council, be in Form No 9 in Appendix C and be submitted to the diocesan registry not more than six weeks after the Council has received notice in writing of the petition under section 17(4)(b) of the 1991 Measure;
- (b) if made by any other persons, be in Form No 10 in Appendix C and be submitted to the registry not more than four weeks after the date of the last publication in accordance with rule 13(7) of the notice stating the substance of the petition;
- (c) be accompanied in either case (a) or (b) with a statement of the evidence to be relied upon.

Evidence of Council for the Care of the Churches

23. In any case not falling under rule 22 an application to give evidence may be made by a member of the Council for the Care of Churches or other person authorised by the Council to the registrar in Form No 10 in Appendix C and be submitted to the diocesan registry not less than 21 days before the hearing and shall be accompanied by a statement of the evidence to be relied upon.

English Heritage

24. In any case where English Heritage has been specially notified pursuant to rule 13(3) or in any other case an application to give evidence may be made by English Heritage to the registrar in Form No 9 in Appendix C and be submitted to the diocesan registry not less than 21 days before the hearing and shall be accompanied by a statement of the evidence to be relied upon.

Judge's Witness

25.—(1) The chancellor may direct the attendance of a member of the advisory committee, the Council for the Care of Churches or any other person to give evidence at the hearing of the petition for a faculty, if it appears to the chancellor that the person directed to attend may be able to give relevant evidence and is willing to give it.

(2) Where any person has applied in accordance with rule 22, 23 or 24 or has been directed under paragraph (1) to give evidence in proceedings for a faculty, the registrar shall give to the parties to the proceedings not less than 14 days' notice in writing that the evidence is to be given and of the name and address of the proposed witness and, in the case of a witness directed under paragraph (1) of this rule, of the nature of the evidence required of him.

(3) Evidence given by any such person as is referred to in paragraph (2) of this rule shall be subject to cross-examination by the party or parties to the proceedings and any such witness may be permitted to ask questions of the party or parties with the leave of the chancellor.

Disposal of Proceedings by Written Representation

26.—(1) If the chancellor considers it expedient to do so and is satisfied that all the parties to the proceedings have agreed in writing, then the chancellor may order that the proceedings shall be determined upon consideration of written representations instead of by a hearing in court provided that no such order may be made in any case in which the chancellor is required to hear evidence in open court for the purposes of section 17(2) or 3(a) by virtue of section 17(4) of the 1991 Measure.

(2) Where an order has been made by the chancellor under paragraph (1) above the registrar shall give notice

- (a) that the petitioner shall submit to the registry and serve on each of the other parties within 21 days of the direction a written statement in support of their case including the documentary or other evidence upon which they wish to rely;
- (b) that each of the other parties shall not more than 21 days after the submitting of the petitioner's statement submit to the registry and serve on the petitioner a written statement in reply to the petitioner's statement and in support of his case including any documentary or other evidence upon which he wishes to rely;
- (c) that the petitioner may not more than 14 days after the submitting of the statement of an opposing party submit to the registry and serve on such opposing party a written statement in response.

(3) If any party does not comply with any such direction, the chancellor may declare him to be in default and may thereafter proceed to dispose of the case without any further reference to such party.

(4) Any party against whom an order declaring him to be in default is made may at any time apply to the court to revoke that order, and the chancellor may as a matter of discretion revoke the order on such terms as to costs or otherwise as may be just.

(5) Notwithstanding the existence of an order that the proceedings shall be dealt with by written representations, the chancellor may at any stage revoke the order and direct that the proceedings shall be determined at an oral hearing and the chancellor shall thereupon give directions for the future conduct of the proceedings.

(6) The chancellor may, whether or not an application is made to the court by any party, inspect the building or any article or thing the subject of the petition or concerning which any question arises in the proceedings.

(7) If no order has been made under paragraph (5), the chancellor shall determine the proceedings upon the pleadings and the written statements and evidence submitted under this rule, and the chancellor's decision shall be as valid and binding on all parties as if it had been made after an oral hearing.

(8) The chancellor or the registrar (if so authorised by the chancellor) may give such other directions as appear just and convenient for the expeditious dispatch of proceedings under this rule.

Issue of Faculty after opposed proceedings

27. If the chancellor decides to grant a faculty following either an oral hearing or a determination on the basis of written representations under rule 26 the registrar shall issue a faculty in Form No 5 in Appendix C adapted to meet the circumstances of the case and shall issue a certificate in Form No 6 in Appendix C to be completed in accordance with the requirement in the faculty.

PART V

MISCELLANEOUS AND GENERAL

Corporate or Unincorporated Bodies

28. For the purpose of rule 4 or any stage in proceedings for a faculty, one or more duly authorised members or officers may act on behalf of a corporate body or an unincorporated body of persons.

Appointment of person to act for Archdeacon

29.—(1) In making an appointment under section 16(3) of the 1991 Measure of a person to act in place of an archdeacon on the ground of incapacity, the bishop may act on such evidence of the incapacity of the archdeacon as he shall think sufficient, and a statement of the fact of the incapacity in the instrument of appointment shall be conclusive.

(2) An instrument of appointment under section 16(3) shall be in Form No 11 in Appendix C.

Appointment of Person to sit as clerk of the court in place of registrar

30. If the chancellor by whom any proceedings for a faculty are to be heard is of opinion that by reason of the fact that the registrar has acted for any of the parties or has otherwise been personally connected with the proceedings the registrar ought not to sit as clerk of the court at the hearing, another practising solicitor or diocesan registrar shall be appointed by the chancellor to sit as such clerk in place of the registrar.

Service of Document

31.—(1) Service of any document may be effected—

- (a) by leaving the document at the proper address of the person to be served, or
- (b) by sending it by post to that address, or
- (c) by leaving it at a document exchange as provided for in paragraph (3) of this rule; or
- (d) by FAX as provided for in paragraph (4) of this rule; or
- (e) in such other manner (including electronic means) as the chancellor or registrar may direct.

(2) For the purpose of this rule, and of the Interpretation Act 1978 in its application to this rule, the proper address of any person on whom a document is to be served under this rule shall be—

- (a) his usual or last known address, or
- (b) the business address of the solicitor (if any) who is acting for him in the proceedings.

(3) Where—

- (a) the proper address for service includes a numbered box at a document exchange; or

- (b) there is inscribed on the writing paper of the party on whom the document is served (where such party acts in person) or on the writing paper of his solicitor (where such party acts by solicitor) a document exchange box number, and such a party or his solicitor (as the case may be) has not indicated in writing to the party serving the document that he is unwilling to accept service through a document exchange,

service of the document may be effected by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that document exchange; and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been served on the second business day following the day on which it is left.

- (4) Service by FAX may be effected where

- (a) the party serving the document acts by a solicitor;
- (b) the party on whom the document is served acts by a solicitor and service is effected by transmission to the business address of such a solicitor; and
- (c) the solicitor acting for the party on whom the document is served has indicated in writing to the solicitor serving the document that he is willing to accept service by FAX at a specified FAX number and the document is transmitted to that number and for this purpose the inscription of a FAX number on the writing paper of a solicitor shall be deemed to indicate that such a solicitor is willing to accept service by FAX unless he has indicated in writing that he is not prepared to do so.

- (5) Any document required by these Rules to be submitted to the diocesan registry may be delivered at the registry, or sent by post properly addressed to the registrar at the registry.

General Provisions

32.—(1) Where anything is required by these Rules to be done not more than a specified number of days or weeks after a specified act or event, the day on which the act or event occurred shall not be counted.

(2) The registrar or chancellor, on an application made by the person concerned, or the court of its own motion, may extend the time within which anything is required to be done by these Rules, and the application may be made although the time has expired.

(3) The registrar or chancellor may exercise the power under paragraph (2) on an application made without notice to any other party, or may give directions for the giving of notice of the application and for a hearing.

- (4) Any such application may be granted on such terms as the registrar or chancellor thinks just.

(5) The registrar or chancellor may give leave to any party to amend any pleading at any stage in the proceedings on such terms as are just and in the case of an amended petition such further public notice may be directed as the registrar or chancellor considers necessary having regard to the circumstances of the case.

Non-compliance and setting aside

33.—(1) Non-compliance with any of these Rules shall not render any proceeding void unless the chancellor so directs, but the proceedings may be set aside, either wholly or in part, as irregular, or may be amended or otherwise dealt with in such manner and upon such terms as the chancellor thinks fit.

(2) Whenever it appears to the chancellor that it is just and expedient to do so the chancellor may order that a faculty be:

- (a) set aside, or

- (b) amended, provided that the amendment will not constitute a substantial change in the works or proposals already authorised by the faculty.

Procedural Questions

34. Where, in the exercise of the faculty jurisdiction, any procedural question or issue arises, or it is expedient that any procedural direction shall be given in order that the proceedings may expeditiously and justly be disposed of, and where no provision of these Rules appears to the chancellor to be applicable, the chancellor shall resolve such question or issue, or shall give such directions as shall appear to be just and convenient, and in doing so shall be guided, so far as practicable, by the Civil Procedure Rules for the time being in force.

Adjournment of Hearing

35. The chancellor may adjourn the hearing of any proceedings or application from time to time on such terms as the chancellor considers just.

Departure from Forms in Appendix C

36.—(1) Where any of these Rules (other than Rules 4(4) and (5), 5, and 7(1) and (6)) require a document to be in a form set out in Appendix C, and that form is not in all respects appropriate, the Rules shall be construed as requiring a form of the like character, with such variations as circumstances may require, to be used.

(2) The chancellor may approve and direct forms to be used where a faculty is sought for exhumation or reservation of a grave space or in relation to any memorial or in any other appropriate case, except where any of these Rules (other than Rule 5(1)) require a document to be in a form set out in Appendix C.

Injunctions and Restoration Orders

37. The Faculty Jurisdiction (Injunctions and Restoration Orders) Rules 1992 shall apply with the necessary modifications in relation to a building as they apply in relation to a church as defined by Rule 2(1) of those Rules.

Dated this nineteenth day of June 2000

*Sheila Cameron
John Bullimore
William Hawkes
Joanna Ingram
Lionel Lennox
Julian Litten
John Owen
+Ian Petriburg:
Frank Robson
Ian Russell*

*David Williams
Clerk to the Synod*

APPENDIX A

(Rule 8(1))

A) In addition to any authority conferred on the archdeacon by the chancellor's guidance under section 11(8) of the 1991 Measure in respect of matters not requiring a faculty, the archdeacon has jurisdiction in faculty matters in respect of any of the matters set out below in relation to a building which is within the jurisdiction of the consistory court.

B) In any case where a building has been in receipt of grant aid from English Heritage or other publicly funded grant making body, a faculty shall not be granted until the archdeacon is satisfied that the specification for the works to the fabric under items 1(i) and (ii) or works involving additions to the fabric under item 2 has been agreed with English Heritage or other publicly funded grant making body as is required by the terms of the relevant grant.

Work in relation to the building, including fixtures

- (i) minor structural alterations not involving demolition or partial demolition;
- (ii) external or internal decoration or redecoration,

except where in the opinion of the advisory committee the work proposed is likely to affect the character of the building as a building of special architectural or historic interest;

- (iii) repairs (using matching materials);
- (iv) treatment of timber against beetle or fungal activity;
- (v) repairs and alterations to an existing heating system;
- (vi) replacement of parts of bells and bell frames not requiring the removal of the bells from their frames;
- (vii) repair of wire mesh window guards with non-ferrous fittings.

New Work

2. The following items of New Work except where the advisory committee has certified that the work proposed is likely to affect

- a. the character of the building as a building of special architectural or historic interest, or
- b. the archaeological importance of the building or
- c. archaeological remains existing within the building
 - (i) installation of a new heating system including laying of electrical cables, gas pipes or water mains;
 - (ii) installation of a sound reinforcement system or loop system or alteration to an existing system;
 - (iii) installation of a new electrical system or lighting or floodlighting including laying of electrical cables;
 - (iv) installation of a wall offertory box;
 - (v) installation of a wall safe in a vestry;
 - (vi) installation of a lightning conductor;
 - (vii) installation of security cameras and alarms or closed circuit television security systems;
 - (viii) installation of wire mesh window guards with non-ferrous fittings.

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Work affecting the curtilage (if included in the list maintained under section 1(1) of the Measure)

- (i) re-surfacing of paths in the same material resulting in the same appearance;
- (ii) repairs to walls, fences, gates and lych gates where matching materials are to be used;
- (iii) introduction of a garden seat (including any memorial inscription);
- (iv) provision or replacement or repainting in a new colour scheme of a noticeboard;
- (v) introduction of a free standing flagpole.

APPENDIX B

(Rule 4)

Consultation with English Heritage, any National
Amenity Society and the Local Planning Authority

1. Where the works for which a faculty is to be sought

- (a) involve alteration to or extension of a building which is listed under the Act to such an extent as is likely to affect its character as a building of special architectural or historic interest, or
- (b) are likely to affect the archaeological importance of the building or archaeological remains existing within the building,
- (c) involve demolition affecting the exterior of a building in a conservation area which is not listed under the Act,
- (d) then, at the same time as advice is being sought from the advisory committee, consultation should take place with English Heritage, any national amenity society likely to have an interest in the building or works, and the local planning authority so far as provided by and in accordance with the criteria set out in the following paragraphs.

Consultation with English Heritage

2

2.1 The likely effect of the works for which a faculty is sought will determine whether or not English Heritage should be consulted.

(i) *Grade I or II**

Even small alterations to the structure of a church listed Grade I or II* can affect the character of the building. These include the introduction of different materials or features, the covering over or removal of parts of the structure, changing the composition of existing elements such as stained glass windows, sub-division or additions to the fabric as well as removal of elements or piercing through historic fabric. Consultation should take place in respect of any alteration or extension within paragraph 1(a);

(ii) *Grade II*

Consultation should take place for a Grade II church in respect of alteration within paragraph (1)(a) which comprises the demolition or removal of all or a substantial part of the structure of the interior. For this purpose the structure of the interior includes principal internal elements such as a staircase, gallery,

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load-bearing wall, floor structure or roof structure and major internal fixtures such as fixed pews, a rood screen or an organ;

(iii) *Archaeology*

Consultation should take place in respect of works within paragraph 1(b) affecting any church or its curtilage.

The National Amenity Societies

3. The age of the building and the nature and likely effect of the works for which a faculty is to be sought will determine which one or more of the national amenity societies should be consulted.

3.1 Any society likely to have an interest in the building or works should be consulted in respect of works within paragraph 1(a), (b) or (c).

3.2 Consultation in respect of alteration or extension within paragraph 1(a) should take place to a building of any grade (I, II* or II). Alteration for this purpose has the meaning given in paragraph 5.

The Local Planning Authority

4. Although listed building consent is not required in addition to a faculty, except where there is an external object or structure listed separately from the building, consultation should take place with the local planning authority in any case falling within paragraph 1(a) or (b) above. Consultation should also take place for works within paragraph 1(c).

4.1 Consultation in respect of an alteration within paragraph 1(a) should take place for a building of any grade (I, II* or II). Alteration for this purpose has the meaning given in paragraph 5.

Meaning of Alteration for the purpose of consultation with the National Amenity Societies and the Local Planning Authority

5. For the purpose of consultation under paragraphs 3.2 and 4.1 alteration of a building includes
- (a) the demolition of a significant part of the structure of the interior, which includes principal internal elements such as a staircase, gallery, floor structure or roof structure;
 - (b) the removal of major internal fixtures such as fixed pews, a rood screen or an organ;
 - (c) the addition of any significant new element such as the creation of new spaces through subdivision.

Documents to accompany consultation

6. The documents which the intending applicant for a faculty should submit to each of the bodies being consulted under paragraphs 2, 3 or 4 above should be

- (a) designs, plans or other documents (including photographs) giving particulars of the works together with a summary list of the works;
- (b) a Statement of Significance and a Statement of Needs.

6.1 The particulars given under paragraph 6(a) above should be sufficiently clear for a comparison to be made between the building in its existing state and in its future state if the works are permitted to be carried out so as to enable an assessment to be made of the likely impact of the works on the listed building.

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Period for response to consultation

7. At the same time as submitting the particulars referred to in paragraph 6 to any body consulted under paragraphs 2, 3 or 4 the intending applicant should write to that body stating that a response to consultation will be taken into account provided that it is received within 28 days from the date of the letter.

Diocesan Advisory Committee

8. An intending applicant should inform the secretary of the advisory committee which of the bodies in paragraphs 2 to 4 above has been consulted and the date when the 28 day period referred to in paragraph 7 is due to expire. On receipt of a response within the 28 day period from any of the bodies consulted, the intending applicant should provide a copy of the response to the secretary of the advisory committee. The advisory committee is not obliged to await a response which is not received within the 28 day period before reaching a decision and issuing a certificate in Form No. 1 in Appendix C.

APPENDIX C

Form No 1 DIOCESAN ADVISORY COMMITTEE CERTIFICATE

In the Diocese of _____

Name or description of building

The building is/is not listed under the Planning (Listed Buildings and Conservation Areas) Act 1990.

- (a) The listing is I/II*/II (or other category, if appropriate)/not known
 - (b) The building is not listed but is in a conservation area
- (Delete if not applicable.)

PART 1

I CERTIFY that at a meeting of the Diocesan Advisory Committee held on _____ 20

1. The following works/other proposals were considered:

(The Committee's views on the significance of the works/other proposals are given in Part 2.)

2. The Committee decided to RECOMMEND the above works/other proposals (SUBJECT to the following provisos:)

- (1)
- (2)

OR

3. The Committee has NO OBJECTION to the above works/other proposals (SUBJECT to the following provisos:)

- (1)
- (2)

OR

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4. The Committee does **NOT RECOMMEND** the above works/other proposals for approval for the following principal reasons:

- (1)
- (2)

You are nevertheless entitled to petition for a faculty, if you so wish, notwithstanding the Committee's decision.

Signed _____

Secretary of the Diocesan Advisory Committee

Date _____

PLEASE NOTE:

- (1) A Certificate under paragraph 2 or 3 does **NOT** give you permission to proceed with your proposals, unless and until a faculty is granted by the Chancellor (or by the Archdeacon in respect of matters within Appendix A of the Faculty Jurisdiction (Care of Places of Worship) Rules 2000).
- (2) Whether the Certificate of the Committee under Part 1 is under paragraph 2, 3 or 4 above, any recommendation of the Committee under paragraph 2 of Part 2 below should be followed before submitting a petition for a faculty.
- (3) This certificate is valid for 12 months from the date stated above.
- (4) In this certificate "building" has the same meaning as in Rule 2 of the Faculty Jurisdiction (Care of Places of Worship) Rules 2000.

PART 2

The views of the Diocesan Advisory Committee on the following matters are set out below (as appropriate):

- 1. *For the purposes of the jurisdiction of the Archdeacon under Appendix A of the Faculty Jurisdiction (Care of Places of Worship) Rules 2000*

In the opinion of the Committee the work or part of the work proposed is/is not likely to affect:—

- (a) its character as a building of special architectural or historic interest,
- (b) the archaeological importance of the building
- (c) archaeological remains existing within the building.

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Particulars of Work

(Please identify item or items)

2. *For the purposes of advising an intending applicant on the desirability of consultation with other bodies or persons if they have not already consulted them (Rule 4(6) of the Faculty Jurisdiction (Care of Places of Worship) Rules 2000)*

The Committee recommends that the intending applicant consult such of the bodies or person as is indicated below:—

- (a) English Heritage ☐
- (b) the Local Planning Authority ☐
- (c) the following National Amenity Societies:

- (d) the Council for the Care of Churches ☐
- (e) the following body or person:

The reason for this recommendation is that in the opinion of the Committee some or all of the works or proposals:—

- (i) involve alteration of or extension to a building which is listed to such an extent as is likely to affect its character as a building of special architectural or historic interest, or
- (ii) are likely to affect the archaeological importance of the building or archaeological remains existing within the building, or
- (iii) will involve demolition affecting the exterior of an unlisted building in a conservation area.

(Delete if not applicable.)

3. *For the purpose of advising the Chancellor under section 17(6)(a) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991*

The Committee has considered the proposed works involving demolition of part of the building (which the intending applicant contend is necessary for the purpose of the repair or alteration of the building or the reconstruction of the part to be demolished) and is of the opinion that when the proposed repair, alteration or reconstruction is completed the demolition will/will not (delete as applicable) materially affect the external or internal appearance of the building or the architectural, archaeological, artistic or historic character of the building.

Signature _____

Secretary to the Diocesan Advisory Committee

Date _____

Form No. 2PETITION FOR FACULTY

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Rule 5(1)

To the Consistory Court of the Diocese of.....

Name or description of building

I/We:

*NAME	*ADDRESS (including postcode)

**Please use capital letters.*

See Rule 3 of the Faculty Jurisdiction (Care of Places of Worship) Rules 2000 for persons who may be a petitioner.

If you are authorised to act on behalf of a body, please give the name of the body concerned above and give your own name and address below. Please attach evidence of your authority to submit this petition.

FULL NAME	RESIDENTIAL ADDRESS (including postcode)
	Telephone and fax numbers:

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I/We Petition as follows:

I/We seek a Faculty to authorise the following:

Please set out clearly in numbered paragraphs what you seek permission to do, using wording on the diocesan advisory committee certificate (if one has been obtained), and including the number and date on the architect's or surveyor's drawing[s] and specification[s] where relevant.

SCHEDULE OF WORKS OR PROPOSALS

Copies of the drawings, plans, specifications, photographs or other documents showing the proposals which were considered by the Diocesan Advisory Committee should be provided with this petition.

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Guidance Notes

(Please read before answering the following questions)

1. Although this petition is detailed, it is important to provide full information about your proposal so that it can be dealt with as promptly as possible. Please ensure that you have answered all the relevant questions either on the petition or in an accompanying piece of paper.
2. Sections A, D, E, J, K and N should be answered in every case. The remaining sections should only be answered if applicable.
3. Please tick boxes as appropriate. If you cannot fit an answer conveniently into the space provided please use a separate piece of paper and attach it to this petition. A checklist of documents is provided at the end of the petition for your assistance.

QUESTIONS

(A) Information about the building

Please answer this section in every case.

1. What is the approximate date of your building or the part of the building affected by the proposals?
2. Is it listed under the Planning (Listed Buildings and Conservation Areas) Act 1990? Yes ☐ No ☐
3. (a) If yes, please state whether it is Grade I, II* or II (or A, B or C in some lists)
- (b) Has a Statement of Significance been prepared? Yes ☐ No ☐
4. Is the site of the building, wholly or partially scheduled as an ancient monument? Yes ☐ No ☐
5. Is the building situated in:
 - (a) a conservation area? (if yes, please provide the name) Yes ☐ No ☐
- (b) a National Park? Yes ☐ No ☐
6. (a) Who is the architect or surveyor appointed for the building under the Inspection of Churches Measure 1955?

- (b) Has this architect or surveyor been:
 - (a) engaged in connection with the proposals Yes ☐ No ☐
 - (b) asked for general advice in relation to these proposals? Yes ☐ No ☐
7. If another architect or surveyor is being engaged—
 - (a) what are his/her name and address?

(b) why is he/she being instructed in relation to the proposed works?

(B) Changes to the interior and/or the exterior of the church

Please answer this section if applicable. Otherwise proceed to the next section.

8. (a) If such changes are proposed affecting the layout, has a Statement of Needs been prepared? Yes ☐ No ☐

(b) If the answer to (a) is yes, please supply a copy of the Statement with this petition.

(c) If the answer to (a) is no, what are the reasons for asking for permission for the proposals? (Please supply separate explanatory statement if more space is required).

9. (a) Will the works affect any graves, monuments or inscriptions in the building? Yes ☐ No ☐

(b) If yes, please provide a list giving details of the type of memorial and the inscriptions on each memorial which will be affected.

(c) If yes, have the descendants of the person[s] commemorated consented? Yes ☐ No ☐

(d) If the descendants have not been found what have you done to try to find them?

(C) Partial Demolition or Demolition

Please answer this section if applicable. Otherwise proceed to the next section.

10. (a) Is the whole or any part of the building to be demolished? Yes ☐ No ☐

(b) If yes, please state how much is to be demolished (identifying a part or parts):

(c) Is the demolition necessary to enable you to repair or alter the building? Yes ☐ No ☐

(d) Is it intended to reconstruct the part to be demolished? Yes ☐ No ☐

(e) If the answer to (c) and (d) is no, what is the reason for the proposed demolition?

(f) If the answer to (d) is yes, will the reconstructed part be greater in extent than the part or parts to be demolished? Yes ☐ No ☐

If yes, how much larger will it be?

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(D) Financial Information

Please answer this section in every case.

11. (a) Has the building received a grant in the past from English Heritage, the Heritage Lottery Fund or any other grant making body? Yes ☐ No ☐
- (b) If yes, what is the name of the body?

- (c) Do the terms of that grant require you to seek consent for the work proposed in this petition? Yes ☐ No ☐
- (d) If yes, please provide a copy of the letter[s] of consent for the work proposed in this petition.

(E) Permissions from other bodies

Please answer this section in every case.

12. (a) Are any external works to the building proposed? Yes ☐ No ☐
- (b) If yes, have you consulted the local planning authority as to whether planning permission is required? Yes ☐ No ☐
- (c) Did the local planning authority confirm in writing that planning permission was not required? Yes ☐ No ☐
13. (a) If you have been advised that planning permission is required, has outline or detailed planning permission been granted? Yes ☐ No ☐
- (b) Please attach a copy of the planning permission, if any, to this petition.
14. (a) If any of the proposals affect a scheduled ancient monument has scheduled monument consent been obtained? Yes ☐ No ☐
- (b) If yes, please attach a copy of the consent.
15. (a) Do bats use any part of the building? Yes ☐ No ☐
- (b) If yes, do you or your architect think that the works or proposals might harm or disturb bats or their roosts? Yes ☐ No ☐
- (c) If the answer to question 15(b) is yes, have you obtained advice from English Nature? Yes ☐ No ☐
- (d) Please attach a copy of the letter of advice.

(F) Archaeological matters

Please answer this section if applicable. Otherwise proceed to the next section.

16. (a) Have you been advised that the proposals may have archaeological significance? Yes ☐ No ☐
- (b) Has a desk based archaeological assessment been carried out in relation to the proposals? Yes ☐ No ☐

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) Is an archaeologist to be involved and to be given facilities for inspection and recording during the course of the works of excavation or works to the fabric? Yes ☐ No ☐

- (d) If the answer to (c) is yes, please give the name and address of the archaeologist.

(G) Consultations for works of alteration to the exterior or interior of a building listed under the Planning (Listed Buildings and Conservation Areas) Act 1990

Please answer this section if applicable. Otherwise proceed to the next section.

17. (a) Have you consulted English Heritage? Yes ☐ No ☐

- (b) Have you consulted any of the following national amenity societies?

The Council for British Archaeology	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Ancient Monuments Society	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Society for the Protection of Ancient Buildings	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Georgian Group	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Victorian Society	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Twentieth Century Society	Yes <input type="checkbox"/>	No <input type="checkbox"/>

- (c) If the answer to any of the above is yes, please attach copies of correspondence giving the views of English Heritage and each amenity society concerned.

18. (a) Have you consulted the local planning authority? Yes ☐ No ☐

- (b) If so, please attach correspondence giving its views.

(H) Introducing new objects or structures to be fixed to the building

Please answer this section if applicable. Otherwise proceed to the next section.

19. (a) Is it proposed to introduce any new fixture? Yes ☐ No ☐

- (b) If the answer to (a) is yes, please give a short description of the method by which the object or structure will be fixed to the building.

(I) Disposal of fixtures

Please answer this section if applicable. Otherwise proceed to the next section.

20. (a) Is the disposal of any fixture contemplated? Yes ☐ No ☐

- (b) If yes, please identify item[s] if not already described in the Schedule in this petition.

- (c) How is it proposed to dispose of any item[s]?

- (d) Has a professional valuation been obtained? (If yes, please supply a copy of the valuation and a good quality photograph of the item). Yes ☐ No ☐

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- (c) If the answer to (d) is no, what is the Petitioner's estimate of the value of the item?

£

(J) Details of contractors

Please answer this section when you wish to carry out work of any kind.

21. Please give the name and address of each contractor to be employed for the different aspects of the works, (e.g. builder, electrician, stained glass artist, organ builder etc.).

Contractor 1	Contractor 2	Contractor 3

(K) Time for work

Please answer this section in every case.

22. (a) How soon will work start after the faculty is granted?

--

- (b) How long is it anticipated that it will take for the work to be completed?

--

(L) Work within the curtilage (if included in the list maintained under Section 1(1) of the Care of Places of Worship Measure 1999)

Please answer this section if applicable. Otherwise proceed to the next section.

23. (a) Is the land in question consecrated?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- (b) Is the land wholly or partially scheduled as an ancient monument?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- (c) Has any part of the land on which the works will take place ever been used for burials?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- (d) Is any part of the curtilage still being used for burials?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- (e) Will any graves, monuments or inscriptions be interfered with?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, please give details?

--

- (f) Is any monument which may be affected by the proposals separately listed under the Planning (Listed Buildings and Conservation Area) Act 1990?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

(M) The Diocesan Advisory Committee

24. A certificate from the Committee accompanies this petition.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

(N) Further Information

25. If there is any further information that the Petitioner would like the Court to take into account, details should be set out in an accompanying statement or letter.

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The statements in this Petition and the answers to the questions above are true to the best of my/our knowledge and belief.

 _____ Date: _____

(Signatures of the Petitioner, or person acting on behalf of the Petitioner)

Please use the following checklist to ensure that all the relevant documentation is enclosed with the petition. If this is not done the petition may have to be returned to you for completion thus causing delay.

CHECKLIST OF SUPPORTING DOCUMENTATION

Have you attached the following documents? Please tick those that are relevant to your proposal:

Question	Details	Yes	To Follow	N/A
Opening	Details of proposals and copies of drawings, plans, specifications or other documents.			
Q.3(b)	Statement of Significance			
Q.8(b)	Statement of Needs			
Q.11(d)	English Heritage, Heritage Lottery Fund etc. letter of consent.			
Q.13(b)	Planning Permission.			
Q.14(b)	Scheduled Monument Consent.			
Q.15(b)	Letter from English Nature.			
Q.17(c)	Correspondence with English Heritage and/or Amenity Societies.			
Q.18(b)	Correspondence with Local Planning Authority.			
Q.20(d)	Professional valuation and good quality photograph of item for disposal.			
Q.24	Diocesan Advisory Committee Certificate			

Note: Although not referred to in the petition please remember to include a copy of the *public notice* in respect of the work or other proposals in this petition.

Form No 3PUBLIC NOTICE

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rules 7(1) and (5)

In the Consistory Court of the Diocese of _____

Name or description of building: _____

TAKE NOTICE that we are making application to the Consistory Court of the Diocese for permission to carry out the following

Copies of the relevant plans and documents may be examined at

(Here a petitioner is to enter an address at which the documents may be examined.)

1. _____
2. _____
3. _____

Date _____

(Here a petitioner is to enter the date on which this notice was first displayed.)

If you wish to object to any of the works or proposals you should write giving reasons for your objection to:

THE DIOCESAN REGISTRAR, _____

so that it reaches the registrar not later than _____, *(Here a petitioner is to enter a date 28 days after the date given above)* stating name and postal address, and the particular interest held in the works or proposals.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

DIRECTIONS TO THE PETITIONER

You must display this Public Notice (or a copy of it) for a continuous period of not less than 28 days, (or for such other period as the court may direct), (and subject to any special directions of the Registrar) in each of the following places:

1. Inside the building on a notice board or in some other prominent position.
2. On a notice board outside the building or in some other prominent position (whether on the outside of the building or elsewhere) so that it is readily visible to the public.

<p style="text-align: center;">CERTIFICATE OF PUBLICATION (to be returned to the Diocesan Registrar)</p> <p>I, the undersigned, a petitioner, or acting on behalf of a petitioner, hereby certify that a copy of this Public Notice was affixed during the period from _____ to _____ (inclusive)</p> <p style="padding-left: 40px;">(i) Inside the building of _____</p> <p style="padding-left: 40px;">(ii) Outside the building on a notice board (or _____) where it was readily visible to the public (Delete which is not applicable or complete as necessary.)</p> <p>Dated _____ 20____</p> <p>_____ Signature of petitioner or person acting on behalf of the petitioner</p> <p>NOTE: This certificate must be completed in full by making appropriate entries in the blank spaces. The certificate should be returned to the Diocesan Registrar.</p>
--

Form No 4**PARTICULARS OF OBJECTION TO PETITION FOR FACULTY**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 16(3) and (4)

In the Consistory Court of the Diocese of: _____

To the Registrar: _____

Name or description of building: _____

In the matter of a petition requesting a faculty for _____ (state generally works or proposals.)

I have previously written a letter of objection. My objection relates to the whole (part) of the proposed works or proposals. [The part(s) of the proposed works or proposals to which I object are:

(Delete whichever is inapplicable)

(A)

(B)

.]

The grounds for my objection are:

(Here set out concisely the points which you rely upon in support of your objection.)

(1)

(2)

(3)

(If necessary continue with numbered paragraphs on a separate sheet.)

Dated _____ 20__

Signature of objector (or counsel or solicitor)

Full name: _____

Address: _____

DIRECTIONS

1. You must complete and return this form to the Registrar and send or deliver a copy to the Petitioner within 21 days from the date when you receive this form if you wish to be treated as an objector and a party to these proceedings.
2. If you do not return this form to the Registrar within 21 days from the date of receiving it then it will be assumed that you wish the chancellor to take your letter of objection into account in reaching a decision and do not want to be a formal objector and a party to the proceedings.

Dated _____ 20__

Signature of Registrar

I certify that I have sent a copy of these Particulars of Objection to the Petitioner today.

(Signature of objector or solicitor)

Dated _____ 20__

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rules 8(4), 12(2) and 27

In the Consistory Court of the Diocese of: _____

Name or description of building: _____

The Venerable _____

Archdeacon of _____

OR _____, **Chancellor of the Diocese and Official Principal of the Right Reverend** _____, **the Bishop of** _____

To _____ **and** _____
(State names and descriptions of petitioner)

A petition presented by you has been submitted to the Registry of this Court together with designs, plans, photographs or other documents, requesting a faculty authorising the works or other proposals specified in the petition.

And a public notice was duly displayed giving an opportunity to all persons interested to object and give reasons why a faculty should not be granted and [there are no objections under the Rules to the granting of a faculty] [a letter (letters) of objection to the granting of a faculty have been taken into account by the Chancellor in reaching the decision that a faculty should be granted] [objections having been received to the granting of a faculty and all the parties to the proceedings having agreed in writing that the Chancellor should determine the proceedings upon written representations, the Chancellor has decided for the reasons given in the a judgement dated _____ 20__ that a faculty should be granted] [objections having been received to the granting of a faculty, the Chancellor held a hearing at which oral evidence was given, and decided for reasons given in a judgement dated _____ 20__ that a faculty should be granted] (*Use whichever form of words is appropriate in the case in question and delete the remainder*)

This Court now grants a faculty authorising you to carry out the works or other proposals in accordance with the designs, plans or other documents accompanying the petition and subject to the conditions set out in the Schedule below.

The works should be completed within _____ (*to be inserted*) months from the date below or such further period as this Court may allow and the certificate of completion is to be sent to the Registry within the period allowed.

A copy of this faculty is to be supplied by you to the architect or surveyor and contractors to be employed in respect of the authorised work before any work is commenced.

This faculty is duly authenticated by the seal of this Court.

Dated _____ 20__

Signature of Registrar

SCHEDULE

Description of Works or Proposals
and any conditions attached
to the faculty

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form No 6**CERTIFICATE OF COMPLETION OF WORKS AUTHORISED BY FACULTY**

Rule 8(4)(b), 12(2) and 27

In the Consistory Court of the Diocese of _____

To the Registrar _____

Certificate of completion of works authorised by faculty

Name or description of building: _____

THE FACULTY was dated _____ 20__ and authorised the following works subject to the following conditions (*details to be inserted by the Registrar*):—

1. COMPANY, FIRM OR PERSON

The work was carried out by the following (*if a different company, firm or person was employed for different items of work authorised by the faculty details of each must be given*):—

(i) Name _____

Address _____

Type of work undertaken _____

(*e.g. building, electrical, organ, heating, clock repairs, the installation of stained glass windows etc.*)

(ii) Name _____

Address _____

Type of work undertaken _____

(*If necessary please attach a separate piece of paper with additional details.*)

The company, firm or person named above was supplied with a copy of the faculty before the work was commenced.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. ARCHITECT/SURVEYOR (IF ANY)

- (i) The architect/surveyor employed in relation to the authorised work was:—

Name _____

Address _____

- (ii) The above-named architect/surveyor

(a) was supplied with a copy of the faculty before work commenced,

(b) has issued a Practical Completion Certificate dated _____ in relation to [the whole][part] of the authorised works. (*Delete bracket alternative as appropriate.*)

3. CERTIFICATION BY PETITIONER

- (i) I/We certify to the best of our knowledge, information and belief that the works have been carried out in accordance with the said faculty.

- (ii) I/We certify that all the conditions attached to the faculty have been complied with.

Names and addresses of petitioner (or person authorised on their behalf) (*Please print*)

Signed _____

Date _____

NOTE: THIS FORM IS TO BE RETURNED TO THE REGISTRAR WITHIN 4 WEEKS AFTER THE COMPLETION OF THE WORK

Form No 7 **NOTICE BY REGISTRAR TO SECRETARY OF DIOCESAN ADVISORY COMMITTEE FOR REGISTER OF PETITIONS**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 11

In the Consistory Court of the Diocese of: _____

To the Secretary of the Diocesan Advisory Committee

This is to notify you that a petition for a faculty requiring the advice of the Advisory Committee was submitted to the Registry on _____ 20

Details of the petition are as follows:—

1. Name of Petitioner[s]

(1) _____

(2) _____

(3) _____

2. Name or description of building

3. Description of Works or Proposals in Schedule to petition is [annexed] [as follows]

Signed _____

Registrar of the Diocese

Date _____

Form No 8 NOTICE BY REGISTRAR REQUESTING ADVICE FROM THE COUNCIL FOR THE CARE OF CHURCHES

To the Secretary of the Council for the Care of Churches

In the Consistory Court of the Diocese of _____

Name or description of building: _____

The Chancellor is considering a petition for a faculty which (a)

- ☐ (1) concerns an article of particular historic, architectural, archaeological or artistic interest and falls within rule 15(1)(a);
- ☐ (2) involves the alteration to or extension of a building listed under the Act or reordering and falls within rule 15(1)(b);
- ☐ (3) involves the movement or removal of an article within rule 15 and falls within rule 15(1)(c);
- ☐ (4) is not a case within rule 15(1) but the chancellor considers that advice from the Council would be of assistance in relation to the petition.

I enclose (b)

- ☐ (1) a copy of the petition together with a copy of the petitioner's Statement of Needs and a Statement of Significance (if the building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990);
- ☐ (2) copies of plans and other relevant documents submitted with the petition;
- ☐ (3) a set of photographs;
- ☐ (4) a copy of the certificate of the Diocesan Advisory Committee.

The Chancellor seeks advice on the following:

The advice of the Council should be sent to me as soon as practicable but in any event no later than 6 weeks from the date of receipt of this notice.

Date _____ Signature of Registrar _____

Note: (a) Please tick box against the relevant paragraph.
(b) Please tick boxes as appropriate.

Form No 9 APPLICATION TO GIVE EVIDENCE BY MEMBER OF COUNCIL FOR CARE OF CHURCHES OR PERSON AUTHORISED BY COUNCIL OR BY ENGLISH HERITAGE

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rules 22, 23 and 24

In the Consistory Court of the Diocese of _____

Name or description of building _____

I, _____ of _____, apply to give evidence in open court in the proceedings for a faculty to _____ in the above building.

I am [a member of] [a person] duly authorised by [the Council for the Care of Churches] [English Heritage] to give evidence in these proceedings. A copy of my authority is attached to this application together with a statement of the evidence to be given in the proceedings.

Dated _____ 20____

Signature of Applicant

**Form No 10 APPLICATION BY PERSON OTHER THAN MEMBER OF OR PERSON
AUTHORISED BY COUNCIL FOR THE CARE OF CHURCHES TO GIVE EVIDENCE
UNDER SECTION 17(4)(d)(ii) OF THE CARE OF CHURCHES AND ECCLESIASTICAL
JURISDICTION MEASURE 1991**

In the Consistory Court of the Diocese of _____

Name or description of building

I, _____ of _____, apply under section 17(4)(d)(ii) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 to give evidence in open court in the proceedings for a faculty to demolish [a part of] the above building.

I am interested in the proceedings because:—

1. Here state the reason, but the reason need not necessarily disclose an interest in the legal sense.

I wish to give evidence in relation to the following matter(s):—

2. State in headings the matters on which the applicant proposes to give evidence.

Dated _____ 20

Signature of Applicant

Form No 11INSTRUMENT OF APPOINTMENT UNDER SECTION 16(3) OF THE CARE OF CHURCHES AND ECCLESIASTICAL JURISDICTION MEASURE 1991 OF PERSON TO ACT FOR ARCHDEACON

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 29

To _____ of _____

I, _____ Bishop of _____
in pursuance of section 16(3) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 appoint you to act in the place of the Archdeacon of _____
[the Archdeaconry being vacant] [the Archdeacon being incapacitated] [the Archdeacon being in my opinion unable or unwilling to act] [it being inappropriate in my opinion for the Archdeacon to act] in the matter of

Here specify the case on which
the person appointed is required
to act.

Dated _____ 20

Signature of Bishop

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules are made under section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. They lay down the procedure for faculty proceedings involving buildings, objects, structures or land which are brought within the faculty jurisdiction under the Care of Places of Worship Measure 1999. Although the provisions of the Rules in general mirror those of the Faculty Jurisdiction Rules 2000⁽⁵⁾, some of them make special provision for the special features of the 1999 Measure. Rule 3 identifies the class of person or body who may institute proceedings for a faculty. Rule 7 requires a petitioner to seek directions from the registrar regarding display of the public notice which, as a general rule, must be displayed for not less than 28 days, both inside the building and in some other place where it is readily visible to the public. Rule 16 provides that an “interested person”, who may put in an objection to a petition for a faculty, includes any person or body appearing to the chancellor to have a sufficient interest in the subject matter of the petition.

⁽⁵⁾ SI 2000/2047.