



## Faculty Jurisdiction - Questions and Answers

### Q. *What is a 'faculty'?*

A 'faculty' is the old fashioned word, dating back to the 11<sup>th</sup> Century when the rudiments of this system were first devised, for permission from the Diocese to make a change to a church building, its contents or anything within the 'curtilage' – that is, the boundary of the church and churchyard. A Faculty is needed for repairs, alterations, additions or disposals.

### Q. **What about Listed Building Consent?**

In the modern context, the faculty system managed by the Church of England enables exemption from the need to obtain Listed Building Consent from the Local planning Authority (referred to as the "Ecclesiastical Exemption") – this does **NOT** exempt churches from needing Planning Permission for **anything** that affects the setting of the Listed Building e.g. extensions.

### Q. **What regulations govern the faculty system?**

Our system is currently governed by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the Faculty Jurisdiction Rules 2013. These have the status of Government legislation and are not just an internal requirement of the Church of England. The Faculty System applies to all church buildings – listed (which most are) or not.

### Q. **Who issues a Faculty?**

A faculty is issued by the Diocesan Chancellor after consultation with the Diocesan Advisory Committee for the Care of Churches (DAC) and other bodies.

### Q. **Who is the Chancellor?**

The Chancellor of the Diocese is the person who is legally responsible for approving or turning down the proposed changes to the Church. Each Diocese has one. The Chancellor is usually a barrister or judge.

### Q. **What is the DAC?**

The Diocesan Advisory Committee for the Care of Churches (DAC) is the diocesan committee required within the Faculty process, to act as an advisory body on matters affecting places of worship in the diocese, having due regard to the Church's role as a local centre of worship and mission, relating to:

- Their architecture, archaeology, art and history
- Their use, care, planning and design
- The use and care of their contents
- The use and care of churchyards

The DAC consists of members, appointed by the Bishop, who between them have knowledge of the history, development and use of church buildings, liturgy and worship, architecture, archaeology, art, history and experience of the care of historic buildings and their contents. They give their time free and are an invaluable source of advice to PCCs.

The DAC is required to give advice to:

- Parochial Church Councils, particularly in respect of proposals which will require a Faculty, as they develop their thinking about any projects they may have, or repairs or remedial works they may need to undertake. The Committee has a wide range of experts who can offer technical advice on the best way to proceed. The DAC also offers early advice to a PCC if it is considering a major re-ordering, the addition of new facilities (e.g. a WC or kitchen), or an extension
- Anyone else who is contemplating making an application for a private faculty
- The Diocesan Chancellor who is responsible for granting a Faculty

**Q. What is a DAC Notification of Advice?**

A DAC 'Notification of Advice' is the document that signals that the DAC has considered your proposals, and has decided either to recommend them, not recommend them, or doesn't have a view either way ('not object'). It will also record any conditions that the Committee suggests be applied. These conditions are typically to do with the way the works are carried out, the materials that are to be used and very occasionally how you should modify your original proposals. This document goes with the formal faculty application and is used by the Chancellor to help him decide on granting the faculty. It replaces the DAC 'Certificate of Advice' which was issued until 1<sup>st</sup> January 2014.

**Q. I'm confused by all this! Doesn't the DAC grant faculties?**

No. The DAC advises the Chancellor on whether the proposed changes are, in its view, appropriate or suitable. The Committee makes its decision in the light of pastoral, heritage, practical, legal and where appropriate aesthetic considerations. The Chancellor decides whether a church's proposals can go ahead or not. He is guided by the DAC's views, and usually (but not always) goes along with the Committee's recommendations. The Chancellor is responsible for issuing a 'faculty' but delegates the decision on some straightforward matters to the Archdeacon. The Chancellor or Archdeacon are responsible for issuing a Faculty through the Diocesan Registrar and the process is identical.

**Q. We've been issued with a DAC Notification of Advice. Can we start work before the faculty is issued?**

Absolutely not! A DAC Notification of Advice does not guarantee that the Chancellor will issue a faculty. It is always best to wait as the consequences of starting work and then finding that the Chancellor does not agree with the DAC can be very serious.

**Q. Do we need a faculty for everything?**

No. Some smaller-scale works which involve minimal change to the fabric, fixtures, fittings and furnishings, and most projects involving routine repair and maintenance may be undertaken without faculty.

There are two categories:

1. **List A** – Formal Permission not Normally Required: this includes matters such as routine maintenance and repair that does not affect the fabric of the building, the introduction/removal/disposal of some items, routine maintenance of musical instruments, bells, bell frames and clocks, like for like repairs or replacement of wire window mesh guards, and like for like repairs and maintenance of paths, fences, gates and noticeboards in the churchyard, and some works to trees.
2. **List B** – List B Permission Required: this includes matters such as routine maintenance and repair affecting the fabric of the church, external or internal decoration, routine maintenance or adaptation of heating, lighting and electrical systems, like for like replacement of a roofing material, more extensive repair and replacement of bell and clock equipment, the introduction/maintenance/replacement of some church contents, and the installation of benches, noticeboards and the routine maintenance/repair/rebuilding of walls and lychgates in the churchyard, and some works to trees and may be undertaken without a faculty, but **with prior consultation with the DAC or Archdeacon.**

Please see <http://www.dioceseofcoventry.org/ChurchBuildings> or consult the DAC office for a copy of Lists A and B, or with any queries you have. To be on the safe side it is always best to contact the DAC Secretary/Archdeacon about whether or not a Faculty is needed.

**Q. Our church isn't listed, and it isn't old. Do we still need a faculty to undertake a reordering?**

Yes. All churches come under Faculty Jurisdiction. But it is true to say that it is on the whole a lot easier to make changes to an unlisted building than to a listed one, especially Grade I or Grade II\* (the most important grades).

**Q. Who can I talk to about the faculty process?**

In the first instance, you should consult Will Jones (Acting DAC Secretary) or Claire Strachan (Church Buildings Development and Projects Officer). They can be contacted through the details below, and are available to help with information and advice about the faculty process and also for early advice on your church proposals.

Will Jones (Acting DAC Secretary)

[Will.Jones@covcofe.org](mailto:Will.Jones@covcofe.org)

02476 521327

Claire Strachan (Church Buildings Development and Projects Officer)

[Claire.strachan@covcofe.org](mailto:Claire.strachan@covcofe.org)

02476 521353

By post: DAC Office, Cathedral and Diocesan Offices, 1 Hill Top, Coventry, CV1 5AB