



**Diocesan Chancellor's Guide to  
Faculty Procedures**

**Third Edition**

Issued by the Registry of the Diocese  
for the Guidance of Parishes

October 2005



Royal Institution of Chartered Surveyors, 12 George Street,  
London SW1P 3AD

Tel: (0207) 222 7000 Fax: (0207) 222 9430

Ecclesiastical Architects and Surveyors Association, c/o Mr  
John Carley, Church House, Crane Street, Salisbury,  
Wiltshire SP1 2QB

Tel: (01722) 411933 Fax: (01722) 329833

### **Amenity Societies**

*(Dates of interest, where shown, refer to buildings  
constructed within that period but include substantial features  
and fittings in churches of a different period).*

Joint Committee of the National Amenity Societies,  
St Ann's Vestry Hall, 2 Church Entry, London EC4V 5HB  
Tel: (0207) 236 3934 Fax: (0207) 329 3677

The Ancient Monuments Society, St Ann's Vestry Hall, 2  
Church Entry, London EC4V 5HB  
Tel: (0207) 236 3934 Fax: (0207) 329 3677  
*(Substantial alterations to listed churches of any date)*

The Council for British Archaeology, Bowes Morrell House,  
111 Walmgate, York YO1 9WA  
Tel: (01904) 671417 Fax: (01904) 671384

The Society for the Protection of Ancient Buildings (SPAB),  
3 Spital Square, London E1 6DY  
Tel: (0207) 377 1644 Fax: (0207) 247 5296  
*(Buildings erected before 1715)*

The Georgian Group, 6 Fitzroy Square, London W1P 6DX  
Tel: (0207) 387 1720 Fax: (0207) 387 1721  
*(Buildings erected 1700 – 1840)*

The Victorian Society (write to Ms M Goodall, the casework  
officer),  
7 Priory Gardens, Bedford Park, London W4 1TT  
Tel: (0208) 994 1019 Fax: (0208) 995 4895  
*(Buildings erected 1837 – 1914)*

### **Contents**

	Page
Introduction	2
Background	2
When is a faculty required?	3
Minor works	3
How is a faculty granted?	3
DAC certificates	3
The Diocesan Advisory Committee	4
Statements of Significance and Statements of Needs	4
Outside consultation	4
What happens next?	5
Press advertisements	6
Display of plans etc	7
What happens if there are objections?	7
Out of court advice	7
Archdeacon's licences for temporary re-ordering	7
English Heritage Grants	8
Articles of historic, architectural, archaeological or artistic interest	8
Memorial tablets in churches	8
Bells	8
Organs	8
Confirmatory faculties	9
Emergencies	9
Conclusions	10
Minor works and matters which do not require a faculty ("De Minimis" items)	11
Addresses	14

## Introduction

New rules governing faculty applications came into force in January 2001. This guide is intended to give some general information as to how and when faculty applications should now be made. It is not a step by step instruction, and does not replace the guidance issued by the registrar and the Diocesan Advisory Committee for the Care of Churches (DAC) or “Procedures for Erection of Monuments in Churchyards” which all parishes have, and which can be obtained from the registry. Detailed advice about how to apply for a faculty is available from the relevant archdeacon, the DAC Secretary and the registry, at least one of which **must** always be consulted.

## Background

It is essential to recognise the importance of making any required application for a faculty correctly. The faculty jurisdiction replaces for listed churches the listed building procedures which apply to secular buildings. It is obviously very important to the church that it should have this control over its own buildings, because if the normal secular listed building laws were to apply it would mean that alterations to listed church buildings, and in particular re-orderings, would be regulated by local authorities and not by the church itself. This so called “ecclesiastical exemption” is kept under review by the government and if the rules are not strictly kept to, the exemption may be lost. It is important to remember however that whether or not a faculty is required does not depend on whether or not the church in question is listed.

### **NB**

*If a structure in a churchyard or the churchyard wall is listed in its own right, listed building consent is still required for work to be done to the structure or wall.*

The faculty jurisdiction does not replace the general planning laws, so **planning permission will be required** for alterations affecting the exterior of a church, a change of use of a part of a church or for building works in a churchyard. In these cases planning permission must be obtained before the petition is presented.

Andrew Johnson Esq MA LLB, The Diocesan Registrar  
Minster Chambers, 42/44 Castle Street,  
Salisbury, Wiltshire SP1 3TX

Tel: (01722) 432390 Fax: (01722) 411566

Email: [registry@salisbury.anglican.org](mailto:registry@salisbury.anglican.org)

## Church Bodies

The Council for the Care of Churches, Church House,  
Great Smith Street, London SW1P 3NZ

Tel: (0207) 898 1866 Fax: (0207) 898 1881

Email: [general.enquiries@ccc.c-of-e.org.uk](mailto:general.enquiries@ccc.c-of-e.org.uk)

Church Commissioners, 1 Millbank, London SW1P 3JZ

Tel: (0207) 898 1000 Fax: (0207) 898 1798

Liturgical Commission, Church House, Great Smith Street, London  
SW1P 3NZ

Tel: (0207) 898 1364 Fax: (0207) 898 1369

## National Bodies – General

English Heritage, Fortress House, 23 Savile Row, London W15 2ET

Tel: (0207) 973 3000 Fax: (0207) 973 3001

English Heritage, South-West Region, 29 Queen Square, Bristol  
BS1 4ND

*(for enquires regarding works)*

Tel: (0117) 975 0700 Fax: (0117) 975 0701

Commonwealth War Graves Commission, 2 Marlow Road,  
Maidenhead, Berkshire SL6 7DX

Tel: (01628) 634221 Fax: (01628) 771208

National Association of Decorative and Fine Art Societies (NADFAS)  
8 Guilford Street, London WC1N 1DA

Tel: (0207) 430 0730 Fax: (0207) 242 0686

Royal Institute of British Architects, 66 Portland Place, London W1N 4AD

Tel: (0207) 580 5533 Fax: (0207) 255 1541

## G. CHURCHYARDS

1. Purchase and maintenance of lawnmowers and other churchyard equipment.
2. Routine repair of paths including resurfacing in the same material and colour.
3. Repairs to and repainting in the same colour of a notice board.
4. Minor repairs to fences and gates (but not walls).

## DISPENSATION IN OTHER CASES

Where the proposal is of a similarly minor nature, but does not appear in the above list, the Chancellor may be willing to dispense with a faculty, sometimes subject to conditions such as consultation with the Diocesan Advisory Committee. The Chancellor will also consider making a dispensation where the proposed works are slightly outside the financial limits set out in this document. The Chancellor's decision on either of these matters will normally be based upon a letter, sent to the Registrar, giving all the relevant information about the proposal. The writer of the letter should make sure that there is no reason to believe that the proposal is controversial, and should state this in the letter.

## GENERAL NOTES

1. A faculty is not required for the deposit of parochial registers or other parochial records in the diocesan record office, nor for the obtaining of new registers.
2. Repairs, acquisitions and the disposal of articles in the list should be recorded in the church log book.

## ADDRESSES

The DAC Secretary  
Diocesan Office, Church House, Crane Street, Salisbury, Wiltshire SP1 2QB  
Tel: (01722) 321996 Fax: (01722) 411990  
Email: [dac@salisbury.anglican.org](mailto:dac@salisbury.anglican.org)

## When is a faculty required?

The faculty jurisdiction goes far beyond those matters covered by the listed building laws, and almost all work - **additions, alterations and repairs** - to a church, inside or out, or in a churchyard, requires a faculty. The planting and felling of trees often requires a faculty - please see the separate guide issued by the chancellor. (There is a separate form which is both the application to the DAC and the petition for a faculty for work concerning trees). The placing of objects in a church **or their removal** also requires a faculty. Work to church halls may in certain circumstances be within the faculty jurisdiction. Enquiries should be made of the registry.

## Minor works

There is a list of minor work at the end of this guide which can be done without a faculty. If the work you wish to do is not on this list but is genuinely minor and is within the spirit of the list, the chancellor may be able to make an exception and allow the work to be done without a faculty. You must however approach your archdeacon who will advise you about the procedures which have to be followed in such cases.

Straightforward gravestones can be authorised by the incumbent subject to the guidelines in the "Churchyard Procedures" leaflet referred to on page 2. If you have any doubt about the correct procedures please consult the diocesan registry.

## How is a faculty granted?

The first step is to take informal advice from your archdeacon. He is a member of the DAC and is likely to have some idea of the sort of schemes which would be agreed to by the DAC. He may then advise an informal approach to the DAC itself, through its secretary, which may result in a useful site visit by members of the DAC. The archdeacon will also help to identify any outside body which you are required to consult (see page 4).

## DAC certificates

Before you can petition for a faculty you will require a certificate from the DAC, either recommending or having no objection to the proposal (if the certificate records objection by the DAC you can still petition, but you are very much less likely to be granted a faculty).

## The Diocesan Advisory Committee

The DAC has members and consultants who give specialist advice concerning architecture, archaeology, matters concerning English Heritage, landscaping, organs, bells, lighting, stained and engraved glass, textiles and furnishings, clocks, heating and electrical works, pews and woodwork.

Formal applications to the DAC, which should be made via its secretary, are considered by the committee at its monthly meetings. A list of meeting dates, and deadlines for applications, will be included with application papers. Please note the committee does not meet in August or during Lent. Plans, specifications and architects approval will be required. It is vital in the interest of avoiding delay that the correct supporting documents are supplied, and that the plans are properly drawn. The DAC secretary will send you guidance about this.

**Photographs** must be supplied in any case where the proposal will involve visible alterations to the building - this includes for example any re-ordering, the installation or renewal of amplification systems, heating and lighting, the installation of new or replacement memorial windows or plaques or indeed anything which will have a visual impact. General views of both the interior and exterior of the church are helpful even where the proposal is concerned only with a small part of the building.

### Statements of Significance and Statements of Needs

When significant changes to a listed church are proposed the petitioners must provide to the DAC a "Statement of Significance" at the same time as applying for its certificate. This summarises the historical development of the church and identifies the important features that make major contributions to its character.

When significant changes to a listed church are proposed the petitioners must also provide a "Statement of Needs" to the DAC at the same time as above. This must set out why it is that the parish needs cannot be met without making the changes to the building and why the changes are regarded as necessary to assist the church in its worship and mission.

### Outside consultation

If it appears to the DAC that the works proposed involve:

- alteration to or the extension of a listed church to such an extent as is likely

3. £1,500 excluding VAT, of organs, harmoniums and pianos.  
Maintenance and repairs to pianos using matching materials.

### D. BELLS/CLOCKS

1. Inspection and routine maintenance of bells, bell frames, clocks and clock faces up to a value of £1,000 excluding VAT.
2. Replacement of damaged wooden bell stays and bell ropes.

### E. MOVABLES

No item may be disposed of unless the Archdeacon has been consulted and raises no objection

Introduction, removal, replacement or disposal of: -

1. Kneelers, hassocks and cushions (but not a substantial replacement of them).
2. Surplices, albs, eucharistic vestments, copes, cassocks, choir robes and vergers' robes.
3. Cruets.
4. Vases.
5. Service books authorised by Canon.
6. Bibles, hymn books, song books and sheet or bound music (but not disposal of handbound or other valuable books).
7. Altar linen (but not frontals or falls).
8. Decorative flags and banners used for temporary displays.
9. The Union flag, St. George's flag or the diocesan flag.

### F. **EMERGENCY ITEMS OF WORK WHICH MAY BE AUTHORISED BY THE ARCHDEACON**

1. Installation of security locks on doors and/or windows when the Archdeacon is satisfied that they are urgently required and the type of lock has been approved by him in writing.
2. Installation of security lighting or camera(s) on a temporary basis where there is urgent need to protect the building against burglary or vandalism pending the grant of a faculty for a permanent scheme provided the temporary arrangement is approved in writing by the Archdeacon and the Diocesan Registrar is notified by the Archdeacon that he has given his approval and that any electrical work is carried out by approved NIE/EIC electricians.

materials, providing those original colours and materials had been approved by faculty when first used.

5. Treatment of fixtures and furniture against beetle or fungal activity (unless bats may be affected).
6. Repair of flagpoles.
7. Work to lightning conductors by approved NICEIC or ECA contractors.
8. Repair of wire mesh window guards using non-ferrous materials.

## **B. FURNITURE AND FIXTURES**

No item may be disposed of unless the Archdeacon has been consulted and raises no objection

1. Introduction, removal or disposal of:-
  - (a) Furniture in church halls, but not items from the church kept in the hall.
  - (b) Furniture, furnishings, office equipment and minor fixture (excluding wall safes) in vestries, but not so as to change the existing use of the room as a vestry.
  - (c) Fire extinguishers (subject to Archdeacon's instructions as to location and method of fixing).
  - (d) Hymn boards (subject to Archdeacon's instructions).
  - (e) Internal notice boards (subject to Archdeacon's instructions).
  - (f) Small movable bookcases or display stands.
2. Replacement of carpets or curtains with the equivalent of similar colour, material, pattern and type of backing. (The carpeting of additional areas is not included.)
3. Additions in an existing style to name boards (excluding war memorials).
4. The use of a security system recommended by insurers for marking movable items kept in the church.

## **C. MUSICAL INSTRUMENTS**

1. Introduction, storage or removal of musical instruments and stands used by music groups.
2. Routine tuning and adjustment, by a qualified person, up to a value of

to affect its character as a building of special architectural or historic interest; or

- an effect on the archaeological importance of the church or archaeological remains in the church or around it; or
- demolition affecting the exterior of an unlisted church in a conservation area

it will, when issuing its certificate, include a recommendation that:

- English Heritage and
- the local planning authority and
- the relevant national amenity society or societies (these are at present the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and the Twentieth Century Society)

are consulted if they have not been already. Such a recommendation may be included in any case, and the DAC may also recommend that other bodies, including the Council for the Care of Churches, be consulted – see page 8 below.

It is obviously sensible that the above bodies should be consulted as early as possible in order to avoid delay, so if it appears to the petitioners that it is likely that either the DAC will recommend such consultation, or that the chancellor will require it (see page 6) they should consider making the approach themselves. If you write to a body inviting its view on a proposal you should say that its response will be taken into account provided it is received within 28 days of the date of your letter. A list of useful addresses is printed at the end of this Guide.

### **What happens next?**

The DAC will issue a petition form with its certificate. This should be completed and sent, with the certificate and the papers attached to it, to the Registry with one copy of the public notice form. The registry will then allocate the petition to the Chancellor or Archdeacon for a decision. (The Archdeacon only has jurisdiction in certain uncontested cases). A further copy of the public notice form must be sent after the expiry of the notice period, which is 28 days unless you have been told otherwise. On this copy,

the certificate of publication must have been completed.

The registry aims to place the certificate and petition before the chancellor within a week of their being received, properly completed, by the registry. The chancellor aims to deal with the petition within a further week. In an emergency, such as where urgent repairs are needed, please consult the registry or, if the registry is closed, your archdeacon about special procedures which exist (see page 9).

The chancellor relies heavily on the advice of the DAC and will usually, but not always, follow it. As a judge he must be free to exercise his own discretion, subject to the rules he is bound by. It follows that it is possible to apply for a faculty even if the DAC does not recommend the proposal. It also follows that a faculty will not automatically be granted simply because the DAC does not object.

The chancellor is usually able to grant a faculty immediately upon receipt of the necessary papers, provided that the DAC does not object and that there are no objections from anyone else, and also provided that the bodies referred to above under **Outside consultation** have, where appropriate, been consulted and have not objected.

If it appears to the chancellor that the circumstances set out under **Outside consultation** above apply and that the relevant bodies have not been consulted, he must direct that such consultation takes place. Those bodies have 28 days in which to respond, but this may be extended.

### **Press advertisements**

If the chancellor considers that the circumstances which require outside consultation apply, he must direct that the proposals be advertised in the press, whether or not the bodies which have to be consulted have already been approached by the petitioners. If you think that press advertisement is inevitable you should consult the registrar to see if the process can be speeded by the early insertion of such advertisements.

If bats might be disturbed English Nature must be consulted before the faculty is applied for.

The Commonwealth War Graves Commission must also be notified where work affects a grave or memorial maintained by the commission.

## **Minor works and matters which do not require a faculty**

### **GENERAL INTRODUCTION**

1. The following list has been prepared after consultation with the Diocesan Advisory Committee and comprises those matters which for the time being may be undertaken without any faculty. If the list is altered at any future date the Chancellor will give fresh written guidance.
2. The list is intended to assist parochial church councils, ministers and churchwardens so that they are aware of when they can introduce or replace items or carry out work without a faculty. It is expected that they will in all cases where approval of the Archdeacon is required obtain such approval before entering into a contract for work to be carried out. Failure to do so may result in the need for a Confirmatory Faculty for which a fee can be charged.
3. If you are in doubt about any matter you should consult your Archdeacon or the Diocesan Registrar.

The following items, listed under A to G, may be carried out without a Faculty:-

#### **A. MINOR REPAIRS**

1. Works of minor repair identified as such in the quinquennial inspection report provided that the specification has first been agreed by the Diocesan Advisory Committee.
2. Works of routine maintenance on the fabric of the church (not materially altering its appearance) up to the value of £2,500 excluding VAT, fees and the cost of scaffolding, providing that the Archdeacon has been notified and has given his approval in writing for work costing between £1,500 and £2,500 before the contract to carry out the work is entered into. This work includes, for example, replacement like for like of broken roof tiles or slates or window glass; leaning gutters or downpipes; and treating isolated beetle or fungal activity (except in areas where bats may be affected). It does not include repairs to broken or cracked quarries in historical stained glass, historic clear glazed windows or historic tiled floors.
3. Works of routine maintenance to heating systems, gas, water or other services, electrical fittings or other electrical equipment (by approved NICEIC electricians or CORGI registered fitters) and furniture up to the value of £2,500 excluding VAT. No addition to an electrical system is to be made without a faculty because of the risk of jeopardising the church's insurance policy.
4. External or internal redecoration using the same colours and

be any difficulty in obtaining the confirmatory faculty.

## Conclusions

Please do not underestimate the powers of the Consistory Court. It is part of the legal system of the country and if its orders are disobeyed, or if work for which a faculty is required is done without one and there is no confirmatory faculty, it can order that the work be undone. Such orders, or injunctions, (which are of course extremely rare, but which can include orders to prevent work which it is thought may be about to be undertaken unlawfully) can if not obeyed be enforced in the High Court, where disobedience would be dealt with as a contempt of court.

This guide is issued in the hope that it will help parishes to understand why the chancellor and DAC exist and how they go about their work. The chancellor, registry and DAC intend that where possible applications for faculties will be dealt with speedily. If there has to be delay, as where outside bodies have to be consulted or if objections are received, this delay will be kept to a minimum.

If it seems that the faculty procedures are irksome, and that the requirements for consultation are burdensome, it must be remembered that if the faculty jurisdiction did not exist the procedures laid down for secular listed buildings, which can be difficult to comply with, would have to be followed. Among other things, the faculty procedures are intended to allow those who have a legitimate interest in church buildings to be consulted and to make appropriate representations. The chancellor will never interpret the law in such a way as to place pedantic difficulties in the way of proposals put forward in faculty petitions.

His Honour Judge Samuel Wiggs  
Chancellor of the Diocese of Salisbury

## Display of plans etc

When significant changes to any church are proposed the plans, photographs and supporting documents must be displayed in the church until the chancellor has given his decision upon the petition.

## What happens if there are objections?

If there are objections it will be necessary to see if an accommodation can be reached between the petitioners and the objectors so that the objectors can be satisfied in some way such as by altering part of the proposals. If objections are maintained it will be necessary for the chancellor to make a formal finding. This may involve a public sitting of the Consistory Court, which can lead to considerable expense. Sittings of the court are very rare indeed. There is an alternative and far cheaper procedure available to parties who agree that the chancellor should make his decision after considering the papers and written representations from the parties. There is also a procedure under which letters of objection may be taken into account without the writer becoming a formal party.

## Out of court advice

If a parish or individual wants to find out whether a faculty is in principle likely to be granted they can ask the chancellor for out of court advice. This advice is free and should be requested through the registry in unusual cases and always where memorial tablets in churches are under consideration. The chancellor may not be able to give advice on the information available at that stage but will always try to do so if he can.

## Archdeacon's licences for temporary re-ordering

The archdeacon has an additional power to grant a licence for a temporary re-ordering for up to fifteen months. This is to enable experiments in re-ordering to be made with as little formality as possible. The period of fifteen months cannot be extended but if a faculty petition asking that the re-ordering be made permanent is lodged at the diocesan registry at least two months before the expiry of the archdeacon's licence the re-ordering is deemed to be authorised until the chancellor has made his decision upon the petition.

## English Heritage Grants

If there has been any payment since 2002 to the church from English Heritage/Heritage Lottery Fund under the Repair Grants for Places of Worship in England, English Heritage must be informed of the new proposals (with the exception of some minor works) and may need to approve them. Failure to obtain approval can result in an obligation to repay the previous grant. Any previous grant contract should be looked at carefully, even if it is older than ten years, because it may have special conditions in it.

## Articles of historic, architectural, archaeological or artistic interest

If when the chancellor is considering a faculty petition he is of the opinion that the subject matter might involve an article (including a fixed article) or affect the setting of an article of historic, architectural, archaeological or artistic interest, he is required to direct the registrar to notify the Council for the Care of Churches (CCC) and give it full particulars and an opportunity to respond before he decides upon the petition. The CCC is allowed six weeks in which to make its initial response, although this period may in certain circumstances be extended.

## Memorial tablets in churches

Faculties for these will not normally be granted until at least five years have elapsed from the death of the person in question. Even then it will always be necessary to show that there is an exceptional reason why the person should be commemorated in that way, rather than, for example, by some useful gift to the church.

## Bells

Parishes should consult the DAC at a very early stage of any proposal to alter bells or their fittings. They should be aware that the Council for the Care of Churches will wish to be consulted about any scheme which involves alteration to historic bells, and in particular the removal of historic bell frames. The latter is generally not approved of.

## Organs

The DAC has issued guidance on the subject of organs which should be obtained from the DAC secretary by any parish considering the installation of a new organ or work (other than routine maintenance costing up to £1000) to an existing organ. The chancellor will only authorise the installation of digital or electronic organs in exceptional circumstances.

## Confirmatory faculties

Work which requires a faculty must not be undertaken before one is granted. If however such work has been unlawfully undertaken you should apply for a confirmatory faculty. Such cases **must** be dealt with by the chancellor and it should not be assumed that confirmatory faculties will be granted as a matter of course - the chancellor's power to order that the work be reversed can be used.

Except where an archdeacon's licence for temporary re-ordering has been granted work for which a faculty is required must not be undertaken on a temporary or experimental basis – this includes, for example, the installation of digital or electronic organs. Such unauthorised work will not assist in obtaining a faculty in due course. Confirmatory faculties are very much the exception rather than the rule.

## Emergencies

If the work required will cost less than £1500 (£1000 for organs, £500 for bells and clocks) **and** can properly be described as routine maintenance you will not need a faculty. In all other cases consult your church architect and the diocesan registry. The registry will ask the chancellor to give immediate authority over the telephone. If you are unable to contact the registry you should speak to your archdeacon who will be able to contact the registry and if necessary the chancellor out of office hours. Before authority for the work can be given it will be necessary for the parish to undertake to petition in writing for a faculty at the earliest possible opportunity in order to regularise the position.

If, **in the most extreme and genuine emergency**, work has to be undertaken without authority, it will then be necessary to petition for a confirmatory faculty. If the emergency was genuine, and particularly if the work was recommended by the church architect, it is unlikely that there will