

How to get your faculty (with the minimum of fuss)

If you have any questions please contact the Diocesan Advisory Committee (DAC):

DAC Secretary (Mrs Christine Marshall)
Diocesan Office
5th floor, Church House
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Manchester
M3 2GH
Tel: 0161 828 1419
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For more information about the care of churches visit the DAC pages on the Diocese of Manchester's website: www.manchester.anglican.org



First Steps

Under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 which came into force on 1 March 1993 faculties are granted either by the Chancellor or by the Archdeacon.

The Archdeacon is requested to issue the Faculty at the request of the Registrar following receipt of the DAC Certificate, Public Notice and Petition. This is to alleviate pressure on the Chancellor to issue all Faculties.

A faculty is normally needed for all repairs, alterations and additions (including disposals and other transactions) to churches and churchyards, their contents, and land belonging to churches. In this context: "church" includes all parish and consecrated churches and some other churches and places of worship, as well as some other Church property; "churchyards" includes all consecrated burial grounds other than those owned by local authorities. If there is any doubt as to whether a faculty is needed, you should consult the Diocesan Registrar before starting the work.

There are a few cases where a faculty is not required, in particular:

- a** An Archdeacon may issue a license for temporary reordering or rearrangement of the contents of a church with a view to seeing if proposed arrangements are generally acceptable.
- b** Memorial Stones which by reason of their conventional size, shape and material may be authorised by the Incumbent, see the Chancellor's Rules for Churchyards.
- c** Items and works as set out in the General directions by the Chancellor (formerly the '*de minimis*' rules). A copy of these should be kept with your Log Book, but copies are available from the Diocesan Registrar or DAC Secretary.

Special Cases

Special requirements apply for certain works applied for under faculty.

- a** Alterations to, or extension of, a church which is listed, in such a way as to affect its character as a building of special architectural or historic interest;
 - b** Anything which affects the archaeological importance of the church or churchyard;
 - c** Demolition affecting the exterior of an unlisted church in a conservation area;
 - d** Extensions to churches;
 - e** Sale of church goods.
- In these cases special rules apply and the Chancellor is required to ensure that a number of special interest groups, local amenity societies and authorities are notified. The DAC Secretary will tell you when the special rules apply and will always be glad to advise.

If you are applying for a grant from English Heritage, the National Lottery, or any other grant-aiding body, work should not begin, even after the granting of a faculty, until you have an answer to your request for a grant. Failure to do this may result in your losing the grant.

For your convenience, the Schedule of Works or Purposes on the Public Notice will have been completed by the DAC. If you are not happy with the wording on the Public Notice, or events have resulted in a change of works or purposes, and you alter or add to the wording, the Registrar will refer this to the DAC Secretary for approval before proceeding to a faculty. By completing the faculty petition and citation you are accepting responsibility for the Works or Purposes described.

Displaying the Public Notice

You will find directions for the display of the Public Notice with the package sent to you by the DAC Secretary. You must display it for a continuous period of not less than 28 days including at least one Sunday when the church is used for worship. After this has been done you should send the Public Notice to the Registrar with the “certificate of execution” on the form duly completed.

Anyone who wishes to object to the proposals must write to the Registrar during the period of Public Notice to register their objections.

You must not start any work before the faculty has been issued

The Procedure

Informal Consultation

The first stage is one of consultation and should involve the minister (rector, vicar, or in some cases team vicar, priest-in-charge or deacon, in charge), the churchwardens and parochial church council, people such as architects, surveyors and other professional advisers who may be needed, the Archdeacon and the DAC Secretary.

Do consult the DAC at an early stage if there is any likelihood of your proposals proving controversial, if there is any doubt about priorities in repair works, and, certainly, for any major proposals of re-ordering, alterations or new building.

PCC Resolution

When the PCC has an idea about what it would like to do it should pass a resolution declaring its intention. This may be a “general” one if the matter is complex or a “detailed” one if it is relatively simple. A copy of relevant PCC resolutions will need to be submitted with other papers in due course.

Wider Consultation

It may be necessary to consult certain non-church bodies such as:

- a** **English Heritage**, if it or its predecessors have given a grant for work to the church; and in all cases where significant changes are proposed to the interior or exterior of a Grade 1 or Grade 2* listed church;
- b** **English Nature**, if bats or their roosts may be affected;
- c** A national or local **amenity society**
- d** The **Commonwealth War Graves Commission**, if graves or churchyard memorials may be affected;
- e** The **local planning authority** for new buildings, alterations to the exterior of the church or work to trees which are subject to a tree preservation order or in a conservation area;
- f** The **people of the parish** if the work includes major or significant changes or any matter likely to prove controversial.

The DAC Secretary will be glad to advise.

Application to the DAC

When you are ready to send full details of the proposals, the name of the architect, and the person or firm who will carry out the work, complete an Application for Advice form and be sure to include the minimum required documents. Wherever possible, include photographs which allow the DAC to visualise what is proposed as most members of the DAC will not be familiar with your church. Two sets of all documents are required to allow the DAC to retain one set of documents in the file at Church House.

The DAC will consider the proposals and the Secretary will return one set of documents to the applicants together with the DAC's Certificate relating to the proposals. The Certificate will contain a full description of the proposals and indicate whether the DAC has decided to recommend them, or to raise no objection to them, or not to recommend them. Page 2 of the Certificate will also specify if consultation is required and who is to be consulted.

If the DAC decides not to recommend the proposals, or the DAC certificate includes provisos about which you are unhappy, you may still apply for a faculty to the Chancellor who will consider your proposals on their merits. On the other hand, it may be sensible to modify the proposals to meet the DAC's concerns, and re-submit them to the DAC before going any further.

It should be stressed, however, that after consultation with your professional advisers, the responsibility for what to submit in your petition is yours, and yours alone. The DAC's principle duty is to advise the Chancellor and the Archdeacons on whether or not a faculty should be granted.

Neither the DAC, nor individual members of it, can be held legally responsible for the correctness or otherwise of advice given to a parish or other applicant with regard to any proposal.

What happens next?

When the DAC Secretary returns the Certificate to you, also included will be a faculty petition form, a Public Notice, and guidance on how to post the Public Notice and submit your faculty petition.

The Petition And Public Notice

Lodging the Petition

You should lodge the completed petition with the Diocesan Registrar. The petitioners are normally the incumbent and churchwardens - if anyone else is the petitioner, consult the Diocesan Registrar first.

The "Schedule of Works or Purposes" should follow the description in the DAC Certificate.

To avoid delay

It is important that you submit the petition **immediately** with the documents listed below, to the Diocesan Registrar, Church House, 90 Deansgate, Manchester, M3 2GH.

- a** The DAC Certificate
- b** A copy of the completed Public Notice
- c** A copy of the PCC resolution(s) relevant to the proposals
- d** The drawings, designs, plans, specifications, estimates etc giving full particulars of the proposed works. These should be the same documents as were submitted to the DAC and **should bear the DAC stamp**. These documents will normally be retained in the Diocesan Registry.
- e** All other correspondence etc. referred to in the answers to the questions in the petition (including any letters from the insurers stating that the work has their consent and any correspondence with English Heritage).

The Registrar will forward your petition to either the Chancellor or one of the Archdeacons for consideration.

You will have received the required number of Public Notices. If the petitioners are the minister and/or churchwardens, they must also complete and sign the Public Notice and display it, following the notes for guidance. (In cases where the petitioners are not the minister and/or churchwardens, they should ask the Registrar for directions as to the Public Notice.