



The Diocese of  
**Southwark**

## **FACULTY PROCEDURE GUIDANCE NOTES**

Issued by the Registrar of the Diocese  
for the guidance of Parishes

Updated 2024

Christ  
Centred  

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Outward  
Focused



## Introduction

The faculty jurisdiction is the system by which the Church of England supervises changes to, and uses of, churches and other places and items subject to the jurisdiction. The jurisdiction is overseen by a court known as the consistory court of the diocese, which is presided over by a judge known as the Chancellor. A “faculty” is a permission granted by the consistory court.

The faculty jurisdiction applies over all consecrated land. It also applies to the following (regardless of whether they are consecrated or not):

- All parish churches
- Licensed places of worship pre-1993 (if specifically added);
- Licensed places of worship post-1993 (unless specifically removed);
- Curtilages of churches and places of worship subject to the faculty jurisdiction, including other buildings such as halls which are situated within the curtilage; and
- The contents and fixtures of buildings subject to the faculty jurisdiction.

Many churches are listed buildings, and indeed a majority of listed buildings across the country are churches. The faculty jurisdiction replaces the listed building consent regime that applies to secular listed buildings. This means that, where a faculty has been obtained, there is no need to obtain listed building consent. The advantage to the Church of this arrangement is that the consistory court can take into account pastoral and missional needs, in a way that a secular consent system would not.

The Church only benefits from this ‘ecclesiastical exemption’ because it has satisfied Government and Parliament that it has an appropriate alternative approvals regime, and risks losing this exemption if the faculty jurisdiction is not properly observed.

It is important to remember, however, that the faculty jurisdiction applies equally to churches which are not listed. Although it replaces listed building consent, the faculty jurisdiction does not replace the need for planning permission from the local authority, which may still be required for certain works.

This note is intended to help clergy, churchwardens and PCCs in understanding the process of obtaining a faculty.

The rules that govern the faculty jurisdiction are regularly updated, and the regime now operates using an online faculty system.

You are advised to read this leaflet carefully before making your application. If after reading it you are still unsure how to proceed, please telephone or email the Diocesan Registry (020 7593 0235 / [southwarkregistry@wslaw.co.uk](mailto:southwarkregistry@wslaw.co.uk)). My colleagues and I will be happy to help.

JON BALDWIN  
Registrar  
September 2024

## Preliminary Matters

### Some useful addresses:

Mr Jon Baldwin  
Registrar of the Diocese of Southwark  
Arbor, 255 Blackfriars Rd  
London SE1 9AX

Tel No: 020 7593 0235  
Email: [southwarkregistry@wslaw.co.uk](mailto:southwarkregistry@wslaw.co.uk)

Mr Luke Tatam  
Diocesan Advisory Committee  
Trinity House, 4 Chapel Court, Borough High Street  
London SE1 1HW

Tel. No: 020 7939 9457  
Email: [DAC@southwark.anglican.org](mailto:DAC@southwark.anglican.org)

## When is a faculty required?

In general, a faculty is required before:

- any works or alterations are carried out to a church or its furnishings;
- items are introduced into or removed from a church;
- the layout of the church is re-ordered;
- any works are undertaken to a churchyard or the curtilage of a church (including the creation of a garden of remembrance but not the introduction of individual memorials authorised by the minister as permitted by the churchyard regulations);
- any leases or licences are granted over land within the faculty jurisdiction;
- any short-term hires of churches are agreed with third parties (including hiring for filming or performances); or
- any new uses are made of parts of a church.

### When is a faculty not required?

Some minor works do not require a faculty. The circumstances are set out in Schedule 1 of the Faculty Jurisdiction Rules 2015 (which is updated from time to time). This schedule contains some general conditions and two lists known as List A and List B. Works within List A usually require no specific approval. Works within List B do not require a faculty but do require the approval of the Archdeacon, who must first consult the Diocesan Advisory Committee (“DAC”).

It is also possible to carry out temporary minor re-orderings of churches without a faculty by obtaining a licence from the Archdeacon, but the Archdeacon must still consult with the DAC and such a licence may only be issued if the church can easily be restored to its original layout. If it is decided to make this permanent, a faculty must be applied within 24 months.

### How is the decision made?

The consideration and grant of a faculty is a judicial process and applications (or “petitions”) are considered by the Chancellor of the diocese or a deputy chancellor, who are the judges of the consistory court.

The registry, headed by the diocesan registrar, acts as the court’s administrative service.

When deciding whether to grant a faculty, the judge makes his or her decision on the basis of the evidence before him or her, considering the documents submitted by the petitioners, any consultation responses, the advice of the Diocesan Advisory Committee (DAC) and any objections received. In the large majority of cases, the judge is able to make a decision “on the papers” and no hearing is required, although it is open to the judge to hold a hearing if considered appropriate.

Most matters requiring a faculty are first scrutinised by the Diocesan Advisory Committee. Once the DAC has issued its advice, the formal petition for faculty can be submitted.

The Registrar submits petitions for decision by the Chancellor at the appropriate time. Full details of the procedure are set out in the Faculty Jurisdiction Rules which are made under the Ecclesiastical Jurisdiction and Care of Churches Measure 2018. A simplified version of the procedure is set out below. This will apply in most cases when a parish applies for a faculty.

## **The Diocesan Advisory Committee for the Care of Churches**

The first step is to seek the advice of the DAC, which is the advisory body on matters affecting places of worship in the diocese. The Committee is required to give advice to the Chancellor, the Archdeacon, and intending applicants in connection with faculty applications and List B matters.

The Committee normally meets every month, except in August. It is important to find out from the diocesan website the date of the next meeting because papers will need to be submitted by the appropriate deadline before that meeting. The DAC issues an informal guide to parishes on making a faculty application, including the information which an application should contain, which can be obtained from the diocesan website.

Full details of the proposed work, with a brief statement indicating the need for the work to be carried out, together with plans, designs and specifications, usually with an estimate for the work, the comments of the Quinquennial Inspector, the name of the Architect employed (if it is not to be the Quinquennial Inspector) and the firm which will carry it out, together with photographs of the Church and any articles to be introduced or removed from the Church should be submitted to the DAC. If the building is not listed, it is still a good idea to provide a statement as to the need for the work, even though a formal statement is not strictly necessary. If the proposals involve a significant change to a listed building, the DAC should be provided with both a “Statement of Need” and a “Statement of Significance”. Information on these can be obtained from the Registry or the DAC. Templates of each are provided by the Church Buildings Council attached.

The proposal must also show that adequate due regard has been given to the following guidance issued by the Church Buildings Council (“CBC”) under the Dioceses, Pastoral and Mission Measure 2007:

- (i) Net zero guidance on reducing carbon emissions; and
- (ii) Contested heritage guidance (where the proposed works are related to the movement, removal or alteration of an article because it is considered to conflict with the role of a church as a local centre of worship and mission).

You are also advised to refer to the *ChurchCare* webpages - <https://www.churchofengland.org/resources/churchcare> - which gives useful information.

If the proposals concern an organ, bells, a clock, etc., the matter will be referred to the Committee’s specialist Advisers on these matters by the DAC Secretary. They will report on the technical merits of the proposals.

After the proposals have been considered by the Committee, the applicants will receive the Committee’s notification of advice relating to the proposals, on which will be listed the plans and specifications recommended by the DAC. This notification will indicate whether the

Committee has decided to recommend the proposals, or to raise no objection to them, or not to recommend them.

The DAC will also indicate:

- (i) whether or not the Committee considers that the proposals will result in an alteration to the appearance of the church or affect its setting;
- (ii) whether or not it is considered that the proposals will affect the archaeological interest of the church; and
- (iii) whether adequate due regard has been given to the CBC guidance referred to above.

In the case of (i) and (ii) above, the Committee may consider that Historic England, the local planning authority, the relevant of the national amenity societies and / or the Church Buildings Council must be consulted. This consultation may be carried out by the petitioners (or their advisors) or, if preferred, by the DAC. The DAC will await the response of these consultees before issuing its formal notification of advice. Consultees will lose their right to respond if they do not do so within 42 days.

In some cases, a website notice is required, and the formal notification of advice from the DAC will explain when this applies.

A notification of advice is NOT authority for works to proceed. It merely records the advice of the DAC. It is unlawful for works to be carried out without the authority of a faculty. Equally, the absence of a recommendation from the DAC does not prevent a parish from petitioning the Chancellor for a faculty.

## The Petition

This is the formal application for a faculty. The form, together with the standard information form and the form of public notice will be provided by the DAC Secretary (usually through the online faculty system). For a faculty relating to a parish project, the petitioners are normally the Incumbent (or Priest in Charge) and Churchwardens.

NOTE: If the Petition is for authority to execute a Licence for the use of either the church or church land by a third party, or if it relates to works sought by a third party (such as a telecommunications company) or if there is no Incumbent or Priest-in-Charge, advice should be sought from the Diocesan Registrar before completing the petition as to who should be the petitioners.

It is important that the form is completed accurately. The Chancellor will require a clear explanation of why the proposed works are needed. This should be contained within the "Statement of Need" (if applicable) sent to the DAC.

NOTE: If an application is for authority to replace an item, then it may be necessary to include a request for the disposal of the item replaced (i.e., organ, pews, etc.). The Chancellor may direct that there should be consultation with the Church Buildings Council about this. It is important, of course, that the works or purposes set out in the schedule are the same works or purposes as are referred to in the DAC notification of advice.

## Public Notice

This is a notice to the public that a faculty has been applied for. The form of public notice is supplied with the petition, together with directions for its display. It is completed and signed by the petitioners and published at the church. At the same time plans must be exhibited in the church and/or elsewhere and the public notice should be drawn to the attention of the congregation at each Sunday service during the period of public notice. This is particularly important in re-ordering cases.

The schedule of works or proposals on the public notice form should refer to all the works or purposes set out in the schedule to the petition. If the schedule refers to plans, then the public notice should contain an address at which the plans can be viewed during the public notice period. The Registrar is available to advise petitioners on the wording of the public notice if necessary. The public notice must be returned to the Registrar, usually via the online faculty system. If the public notice is not completed satisfactorily, further public notice may be required, and this will cause delay.

## Overview of procedure on application for a faculty

- (a) Have a resolution passed by the PCC approving the carrying out of the works.
- (b) Obtain a notification of advice from the DAC as described above.
- (c) Obtain the necessary forms from the DAC Secretary.
- (d) After the DAC has issued its notification of advice, the public notice is published. This public notice is usually displayed for a continuous period of not less than 28 days including at least one Sunday when the Church is used for worship (where there is no Sunday worship the Registrar should be consulted for advice). Anyone who wishes to object to the proposals has 28 days from the time when the public notice was first displayed to lodge an objection at the Diocesan Registry.
- (e) The completed form of petition must be submitted to the Registrar while the public notice is being published together with the following documents (usually via the online faculty system):
  - i) DAC notification of advice
  - ii) a copy of the resolution of the PCC signed by the Chair or the PCC Secretary
  - iii) Statement of Needs and Statement of Significance (if applicable)
  - iv) a copy of the Public Notice (this should be a copy of the Public Notice which is being published)
  - v) the designs, plans, specifications and/ or estimates giving full particular of the proposed works and a copy of planning permissions (if required). These should be the same documents as were submitted to the DAC. If any hardcopy documents are sent, they will be retained by the Registry as part of the court's records
  - vi) in the case of works which are likely to affect the organ, the electrical installation, or the security of the building against fire, vandalism, theft or other risks, a letter from the Insurance Office concerned confirming that the insurance cover for the Church will not be affected
  - vii) if the building has previously been the subject of a grant from Historic England, or if a grant aid is being sought from Historic England or any other bodies, copies of the relevant correspondence
  - viii) if the DAC has recommended contacting Historic England or any other body, details of the contact made, and any comments received from them, should be supplied.
- (f) If objections are received to the public notice, or if a consultee raises concern, the Registry will be in touch to let you know and will respond to the objector or consultee. The Registry will provide further information on the next steps and procedures to be followed if an objection is raised.
- (g) If no objections are received by the Registrar, the papers will be forwarded to the Chancellor for a decision.
- (h) After the public notice has been displayed for 30 days the public notice or a copy should be sent to the Registrar with the certificate of publication duly completed. A faculty cannot be issued until this has been done.

- (i) If the Chancellor is satisfied that the matter may proceed, the faculty will then issue. It is only when the sealed faculty is received that works may commence. A faculty may be granted with conditions which must be complied with if the faculty is to be put into effect.

## **Emergencies**

In the event of an emergency please send a specification of work to be done and /or a copy of any dangerous structure notice, if relevant, to the Archdeacon and DAC Secretary who will then liaise with the Registry. In some cases, an urgent interim faculty may be issued to authorise emergency works whilst the normal process for a faculty is being undertaken.

## **Other bodies which might need to be consulted**

### **The Local Planning Authority**

Planning permission (as distinct from listed building consent) may be needed for works affecting the exterior of the church building, including the erection of noticeboards, or for change of use of part of the church or for works in the churchyard. In such cases enquiries should be made of the local planning authority. The planning permission, or a letter stating that planning permission is not necessary, should accompany the Petition. The Local Authority Conservation Officer may also need to be consulted.

### **Local Amenity Societies**

These include societies such as the Clapham Society. Some local councils will maintain a list of recognised local amenity societies on their websites.

### **The Commonwealth War Graves Commission**

If the works or purposes affect or are likely to affect a grave or memorial maintained by this body, the Petitioners should seek its agreement to the proposals. If such agreement cannot be obtained, the Chancellor will require a special citation to be served on the Commission by the Registrar giving it the right to enter an appearance in the Consistory Court.

### **The Church Buildings Council**

Where the Chancellor is of the opinion that any petition for a faculty concerns or involves, or might concern or involve, an article or matter of historic or artistic interest, he is required to direct the Registrar to serve full details on this body. In some circumstances it is mandatory for the CBC to be consulted. There are also occasions in which the CBC should be consulted as a matter of 'good practice'. The Chancellor may separately of his or her own accord seek the advice of the CBC where it may be of assistance.

### **Natural England**

If bats use any part of the church, and it is possible that the works or purposes might harm or disturb the bats or their roosts, the advice of Natural England should be obtained before a faculty is applied for. The letter of advice should be submitted with the petition.

## **Other Matters**

### **Commemorative plaques in churches**

A faculty will not readily be granted for the erection of a commemorative plaque in any church within the diocese until some while has elapsed after the date of death of the



person to be commemorated. Memorials to recently deceased parishioners are only permitted in very exceptional circumstances.

The Chancellor will carefully consider the circumstances, including whether or not the person to be commemorated gave outstanding service to, or was a prominent benefactor of the Church in question.

It is suggested that proposed inscriptions should be submitted to the DAC for recommendation or otherwise before a design is prepared in order to avoid unnecessary expense and delay.

### **Exhumations**

Exhumation of a body or cremated remains is only permitted where there are exceptional circumstances to justify it. A faculty is required for exhumation from consecrated ground.

Please contact the Registry in a case of this kind.

### **Erection of headstones**

The Incumbent has a discretion to authorise the erection of any headstone permitted within the diocesan churchyard regulations.

### **Reservation of grave spaces**

Grave spaces may only be reserved by faculty. In these cases it will not be necessary for the matter to be referred to the DAC. Application should be made to the Registrar direct, who will supply the special form of petition that is required.

### **Demolition of churches or part of churches**

Special rules apply to the demolition of churches or part of churches and the disuse of burial grounds. Please contact the Registry for detailed advice.

### **Trees**

There are special rules dealing with the introduction or removal of trees and petitioners should familiarise themselves with the Church Buildings Council's trees guidance, and then contact their Archdeacon, the DAC or the Registry for further advice. Briefly, List A allows some minimal works to trees. Some other works may come within List B. Otherwise a faculty will normally be required. If a Tree Preservation Order is in effect, or if the tree is within a conservation area, the local authority must be consulted.