

Ely Diocesan Registry



Churchwarden Training

28th September 2024

Susan Black
Registry Clerk

The Diocesan Registry

Office of the Legal Adviser to the Diocesan Bishop

- Diocesan Registrar - Howard Dellar



Registry Clerk - Susan Black



Registry Clerk – Kevin Diamond

Chief Clerk – Neil Turpin



What does the Diocesan Registry do?

- Legal documentation
- Faculties
- Clergy appointment documentation
- Enquiries from clergy, parish officers and the general public
- Diocesan records
- Common Marriage Licences
- Patronage Register

When to contact Diocesan Office

- Initial enquiries for faculties (the DAC)
- Parish property
- Vacancies in benefices
- Communications and media handling
- Pastoral (parish) reorganisation
- Safeguarding of children and vulnerable adults (NB – the Registry will also assist with safeguarding matters. It is responsible for advising the Bishop regarding clergy discipline/suspensions and the new provisions relating to lay officer suspension/barring on safeguarding matters)



CHURCHWARDENS LEGAL DUTIES AND RESPONSIBILITIES

Duties of a Churchwarden

- Canon F13(4) – To maintain records:
 - **The Logbook** – records everything *done to* the church (alterations, additions, repairs - **faculties**)
 - **The Terrier** – records all property or land *owned by* the PCC (halls, curates houses etc)
 - **The Inventory** – a record of all *movables in* the church (vestments, altar frontals, plate, ornaments, furniture etc: i.e. What the churchwardens “own”)
 - **Terrier and Inventory comprise “Church Property Register”**

Other Churchwarden Duties

- Officers of the Bishop
- Represent the laity and co-operate with the Incumbent
- By example and precept, encourage parishioners in practice of true religion
- Maintain order and decency in the church and churchyard
- Duty to ensure no disturbance during divine service
- With advice of the minister, provide sufficient bread and wine for communion



FACULTIES

Faculty Jurisdiction

Faculty Jurisdiction Rules 2015 (As amended)

Applies to every *parish church*, every *churchyard* and 'article appertaining to it'

Applies to most *buildings licensed for worship*

Ecclesiastical Exemption: no Listed Building Consent required.

Churchwarden Duties

- Faculties
- Canon F13(3)
 - ..Duty of the minister and churchwardens...to obtain the faculty or licence ... **before proceeding**
 - Incumbent and churchwardens are normally the petitioners for a faculty

Making Plans

- PCC - responsible for the care and maintenance of the church & churchyard
- PCC may decide to make a repair or alteration, BUT
- The Chancellor has final control over the church, contents and land on behalf of Bishop
- Finance – plan, consider phasing?

A PCC does not decide what it WILL do,
but rather,
what it will seek PERMISSION to do

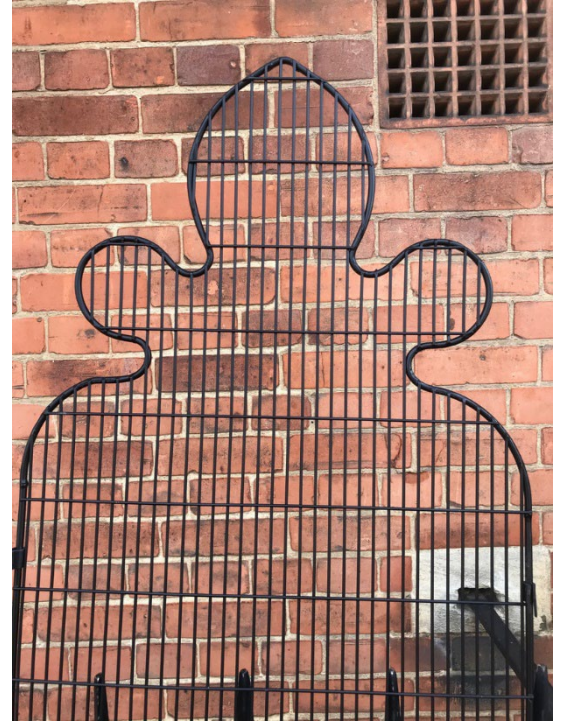
All Works in buildings under Faculty Jurisdiction need permission, so the question is -

What type of permission do we need?

List of matters not requiring a faculty (Lists A & B) **Contact DAC**

- List A: matters which may be undertaken **without the need for consultation**
- List B: matters which may be undertaken **subject to consultation etc**
 - Archdeacon must give notice in writing that the work may be carried out without faculty
 - **Retain copy consent** in parish records

List A



List B



Archdeacon's Licences for Temporary Reordering

- **Temporary minor** reordering (to try something out)
- Period cannot exceed **24 months**
- **The scheme must be wholly reversible**
- There must be:
 - No material interference with or alteration to fabric
 - No electrical works
 - No disposal
 - Any article removed must be stored safely and easily reinstated
 - **Faculty required to make the change permanent**

Additional Matters Orders

- Trial holes in churchyards (in preparation for a faculty petition)
- Installation of Broadband in churches (re associated works in churchyards)
- Replacement high level wall heaters

Certificate of Practical Completion (😊)



Extension

Making Plans (Start) DAC



Issue

Consultation



Decision

PROCESS

PCC Resolution



Public Notice

Statements of
Significance and Needs



Petition

DAC Consultation ↓



Further Consultations – HE, Vic Soc, SPAB

PCC Resolution

- *“The PCC requests the minister and churchwardens to apply for a faculty to do such and such a piece of work according to the specification supplied by X”*
- This must accompany the petition (PDF uploaded onto OFS (Online Faculty System))
- The copy of the Resolution must be signed (by hand) by the Chair of the PCC or the PCC Secretary

PCC Resolutions

Clarity –

- What exactly has the PCC discussed?
- What expenditure have they agreed? Spend limited?
- Quotation / Specification

What type of church?

- Parish Church? Daughter church?
- Implications for Public Notice requirements



Online Faculty System (OFS)

Don't forget to press

'SUBMIT' !!

Online Faculty System (OFS)

Works involving neighbouring properties?

- Scaffolding
- Trees
- Cranes



Signatures

1. PCC Resolution

2. Public Notice Certificate

3. Certificate of Completion

IN THE CONSISTORY COURT OF THE DIOCESE OF ELY
FORM 7 (RULE 7.4)
FACULTY

Parish of Bassingbourn
Church of St Peter & St Paul



HIS HONOUR JUDGE ANTHONY JAMES LEONARD QC
One of Her Majesty's Circuit Judges Chancellor of the
Diocese and Official Principal of the Right Reverend
STEPHEN DAVID Lord Bishop of Ely to the Reverend
Dr CAROLINE YANDELL Vicar of the Parish of
Bassingbourn and JANE MERYL STEVENSON a
Churchwarden of that Parish and STEPHEN
MICHAEL BROOKER Chair of the Building
Development Committee of the Parochial Church
Council: GREETING

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

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

Letters of objection to the granting of the Faculty were received in the Diocesan Registry and ten persons entered a formal opposition to the proceedings.

The Chancellor held a hearing which all evidence was given and has decided for the reasons given in a Judgment dated 6th June 2018 (amended 29th July 2018) that a Faculty should be granted.

THIS COURT now grants a Faculty authorising you to carry out the works or other proposals described in the Schedule in accordance with the designs, plans or other documents accompanying the Petition and subject to any conditions set out in the Schedule

THE WORKS must be completed within TWENTY-FOUR months from the date below or such further period as this Court may allow and the Certificate of Practical 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 the 21st day of September 2018

A handwritten signature in black ink, appearing to read "Rowan Della", written over a dotted line.

REGISTRAR

What happens when...

- Someone objects?
 - Anyone with an interest can object
 - Parishioners, anyone on the church electoral roll
 - The local planning authority
 - Historic England and the National Amenity Societies
 - The parish will have the opportunity to respond
 - Chancellor decides whether to grant or not:
 - By negotiating an agreement;
 - By written representations; or
 - At a full Consistory Court hearing
- Parish may need to pay legal Court costs

What happens when...

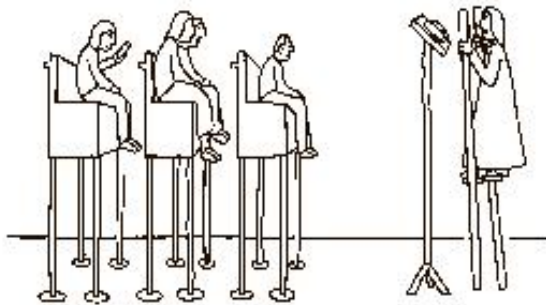
- We forget to apply for a faculty?
- There is a delay in carrying out the works?



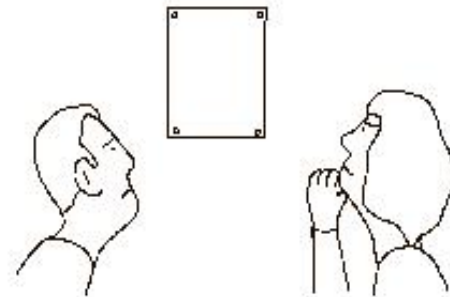
What happens when...

- **There is an emergency?**
 - The Chancellor may give permission (an **Interim Faculty**) for works to proceed to protect the church
 - You should contact the Archdeacon and DAC in the first instance and discuss it with them.
 - A full faculty application must usually follow

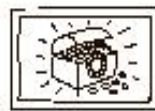
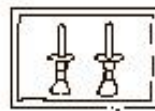
EMERGENCY PLANNING: FLOODS



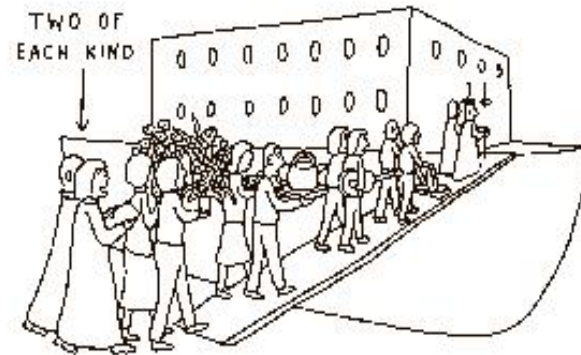
ELIMINATE LOW-LYING FURNISHINGS



KEEP A LIST OF PEOPLE WHO WILL KNOW WHAT TO DO IN AN EMERGENCY



KEEP PICTURES OF VALUABLES



BUILD A BIG BOAT



CHURCH OF ENGLAND CHURCHYARDS

Gravespace Reservations / Exhumations

Two specific types of 'Faculty'

Application forms are available
from the

Diocesan Registry website

(Not Online Faculty System)

Chancellor Practice Direction - guidance

Gravespace reservation markers

“The reserved space shall be marked as agreed between the Petitioner and the Rector or Vicar of the Parish in question either

(a) ‘ A small circular or square stone engraved on the upper face with the letter ‘R’ and the churchyard plan reference number.

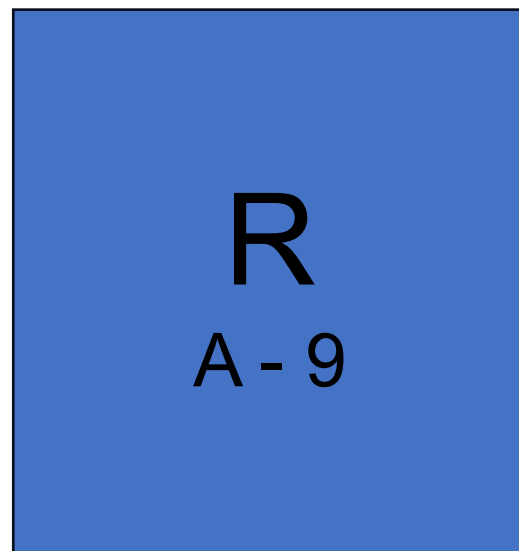
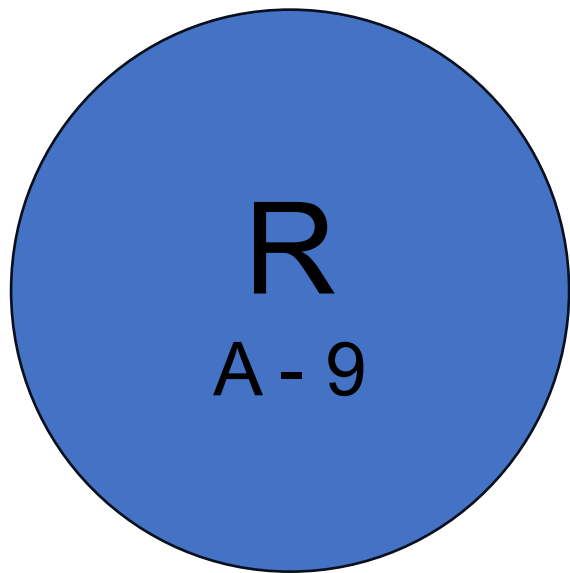
To be of a material in accordance with the Churchyard

Regulations.

The stone to be recessed to slightly below ground level so that mowing machinery can pass across unhindered.’

(b) by any method specifically approved by the Chancellor in this case”

May 2024



Churchyards



Memorials

- Churchyard Regulations – Form on Registry website
- Permission must always be sought before a memorial is erected.
- Incumbent permission, or a faculty (imaginative designs)
- Manage expectations
- Right of burial \neq right to erect memorial

Flowers & Memorabilia

- Churchyard Regulations or parish approved scheme

Churchyard Maintenance

- Is the responsibility of the PCC

UNLESS

The churchyard is legally closed for burials

and

the responsibility for maintenance has been **formally passed to the local authority.**

(But, even then, PCC remains an ‘occupier’)

Do you know if your churchyard is open or closed?

Closed Churchyards

- **No burials are permitted** (full or ashes)

UNLESS

Specific permission was included in the Closure Order.

A faculty has been obtained for burial of cremated remains in an existing family plot.

A Garden of Remembrance exists (set up by faculty)

Closing a Churchyard

The churchyard - full, with no available space.

Order in Council required – via Ministry of Justice.

Once it is formally closed there is no reversal.

Consider - *Will your successors wish to re-use the churchyard sometime in the future?*

Consecrating New Churchyards

Registry prepares documentation for Bishop

Documentation required

- Land Registry Title document
- Planning permission
- Details of area to be consecrated – dimensions, location
- Full names of Incumbent and Churchwardens

Postage



Questions?

Thank you !

Ely Diocesan Registry

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