

UK Parliament SIs 2010-Present/2015/1551-1600/Faculty Jurisdiction Rules 2015 (SI 2015/1568)/SCHEDULE 1 Matters which may be Undertaken Without a Faculty

SCHEDULE 1

MATTERS WHICH MAY BE UNDERTAKEN WITHOUT A FACULTY

Rules 3.2 and 3.3

Table 1

List A - Matters which may be undertaken without the need for consultation

This table prescribes matters which may be undertaken without a faculty subject to any specified conditions.

The matters prescribed in the table are subject to general exclusions set out in rule 3.5 which, among other things, excludes certain categories of works to listed buildings.

<i>Matter</i>	<i>Specified conditions</i>
A1 Church building etc	
(1) Works of repair and routine maintenance to the church building not affecting the fabric or any historic material	The parochial church council's insurers are notified if external scaffolding is to be erected
(2) Repairs and replacement of fittings in existing kitchens, lavatories and office accommodation	
(3) Like for like repairs to window glass	The works do not include repairs to broken or cracked quarries in stained glass or historic clear glazed windows
(4) The repair or like for like replacement of wire mesh window guards	Only non-corroding fixings are used and, where practicable, are fixed in mortar joints
(5) Works of repair and routine maintenance to existing--	The works do not involve making additions to an electrical installation
(a) heating systems	Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)
(b) gas, water or other services	Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
(c) electrical installations and other electrical equipment	
(6) The application of forensic marking on roof lead or other material covering a roof or to rain water goods or flashings	
(7) Work to an existing lightning conductor	The parochial church council's insurers are notified of the proposed work and the work is carried out by a specialist contractor approved by them

- (8) The repair, maintenance, removal, disposal or replacement of a flagpole Only non-corroding fixings are used where a flagpole is repaired or replaced
- (9) The introduction, removal or disposal of furniture, furnishings, office equipment and minor fixtures (other than safes) in vestries and similar rooms The existing use of the vestry is not changed
No article of historic or artistic interest is removed or disposed of
- (10) The introduction, removal or disposal of fire extinguishers Any instructions from the supplier or the parochial church council's insurer in relation to their type or location are complied with
- (11) The making of additions to an existing name board The board is not a war memorial or roll of honour
The addition is in the same style (including colour and materials) as existing names on the board
- (12) The installation of bat boxes as part of a bat management programme
- (13) The introduction of anti-roosting spikes Only non-corroding fixings are used and, where practicable, are fixed in mortar joints

A2 Musical instruments

- (1) The introduction or disposal of musical instruments (other than organs and grand pianos) and associated equipment No article of historic or artistic interest is disposed of
- (2) The routine tuning and maintenance of organs and pianos In the case of organs, any works do not involve tonal alterations, changes to the action or major dismantling of the instrument

A3 Bells etc

- (1) The inspection and routine maintenance of bells, bell fittings and bell frames No tonal alterations are made to any bell
No bell is lifted from its bearings
- (2) The repair and maintenance of clappers, crown staples (including re-bushing) and bell wheels Works do not include the re-soling or re-rimming of a bell wheel
No bell is lifted from its bearings
- (3) The repair or replacement of bell stays, pulleys, bell ropes (including in Ellacombe apparatus), rope bosses, sliders or slider gear No bell is lifted from its bearings
- (4) The repainting of metal bell frames and metal bell fittings No bell is lifted from its bearings

A4 Clocks

- The inspection and routine maintenance of clocks and clock faces Works of maintenance do not include re-painting or re-gilding of clock faces

A5 Church contents

- (1) The repair of woodwork, metalwork and movables Matching materials are used
The repair does not involve any works to--
--woodwork or metalwork of historic or artistic interest

(5) The grant by the incumbent of a licence The licence is in a form approved by the chancellor for grazing in the churchyard

A8 Trees

- (1) The felling, lopping or topping of a tree The works do not relate to any tree in respect of which a tree preservation order is in force or which is in a conservation area
 the diameter of any stem of which does not exceed 75 millimetres (measured over the bark at a height of 1.5 metres above ground level)
 Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards
- (2) The lopping or topping of any tree--
 (a) that is dying or dead; or
 (b) has become dangerous
 Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards
- (3) The removal of dead branches from a living tree
 Regard is had to guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards

Table 2

List B - Matters which may be undertaken without a faculty subject to consultation etc

This table prescribes matters which may, subject to any specified conditions, be undertaken without a faculty if the archdeacon has been consulted and has given notice in writing that the matter may be undertaken without a faculty. The archdeacon may impose additional conditions in the written notice.

The matters prescribed in the table are subject to general exclusions set out in rule 3.5 which, among other things, excludes certain categories of works to listed buildings.

<i>Matter</i>	<i>Specified conditions</i>
B1. Church building etc	
(1) Works of routine maintenance and repair affecting the fabric of a church or historic material	The works are identified as routine items of maintenance in the most recent report prepared in respect of the church pursuant to section 1(2) of the Inspection of Churches Measure 1955 (commonly known as the "quinquennial inspection report") or in subsequent written advice from a person registered under the Architects Act 1997 or a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor Details of any materials to be used are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter The works do not involve any new disturbance below ground level The parochial church council's insurers are notified if external scaffolding is to be erected
(2) The installation of a wall offertory box	The installation does not affect historic fabric
(3) The introduction of a safe in a vestry or similar room	
(4) Works of external or internal redecoration (other than to areas of historic wall	Details of materials and colours are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter The overall appearance of the building is not changed

- painting, even if already painted over) The parochial church council's insurers are notified if external scaffolding is to be erected
- (5) The treatment of timber against beetle or fungal activity The works do not involve the replacement of timber
- (6) Works of adaptation (not amounting to substantial addition or replacement) to—
 (a) heating systems
 (b) gas, water and other services
 (c) electrical installations and other electrical equipment
 Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)
 Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
 The parochial church council's insurers are notified of the proposed works
- (7) The replacement of a boiler in the same location and utilising an existing fuel supply and existing pipe-runs
 Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)
 The works do not involve the creation of a new external flue
 The parochial church council's insurers are notified of the proposals
- (8) The introduction or replacement of control equipment that is ancillary to a boiler or existing heating system
 Any work to a gas fitting is carried out by a person who is registered on the Gas Safe Register (or is a member of another class of persons approved by the Health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998)
 Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
 The parochial church council's insurers are notified of the proposals
- (9) The like for like replacement of roofing material
 The material being replaced was not introduced unlawfully
 The parochial church council's insurers are notified of the proposals
- (10) The installation of a roof alarm
 The amount of associated cabling is kept to the minimum that is reasonably practicable
- (11) The installation of lighting and safety equipment
 The lighting or other equipment—
 --is installed only in a part of the church (such as a tower or crypt) that is not normally visible to the public, or
 --when installed will not be visible from ground level
 Any work to an electrical installation or electrical equipment is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
 The installation will not affect any graves or vaults
 The parochial church council's insurers are notified of the proposals
- (12) The installation of a lightning conductor
 The parochial church council's insurers are notified of the proposals and the work is carried out by a specialist contractor approved by them
- (13) The installation of a sound reinforcement system or loop system or the alteration of an existing system

B2 Bells etc

(1) The lifting of a bell to allow the cleaning of bearings and housings Regard is had to any guidance issued by the Church Buildings Council
The bell is currently in a fit condition to be rung

(2) The like for like replacement of—
(a) bearings and their housings Regard is had to any guidance issued by the Church Buildings Council
The bell is currently in a fit condition to be rung
The works do not involve the drilling or turning of the bell
(b) gudgeons
(c) crown staple assembly
(d) steel or cast iron headstocks
(e) wheels

(3) The replacement of—
(a) bell bolts Regard is had to any guidance issued by the Church Buildings Council
The bell is currently in a fit condition to be rung
(b) a wrought iron clapper shaft with a wooden-shafted clapper

(4) The treatment of timber bell frames with preservative or insecticide materials

(5) The re-pinning or re-facing of hammers in Ellacombe apparatus Regard is had to any guidance issued by the Church Buildings Council
The bells are currently in a fit condition to be rung

(6) The introduction of peal boards in a location not normally visible to the public

B3 Clocks

(1) Alterations to striking trains to prevent striking at night No part of the clock mechanism is affected

(2) The upgrading of electrical control devices and programmers

B4 Church contents

(1) The repair and maintenance of church plate (including candlesticks and crosses) not of special historic or artistic interest

(2) The introduction, maintenance or replacement of portable audio-visual equipment used in connection with church services No equipment is fixed to the fabric of the church

Only breathable underlay is used when underlay is replaced

(3) The replacement of carpets or other floor covering and underlay

(4) The replacement of curtains (other than curtains and other hangings associated with an altar)

(5) The treatment of fixtures and furniture against beetle or fungal activity

(6) The introduction of a book of remembrance and stand

(7) The introduction of a fixed internal noticeboard

(8) The disposal of free-standing chairs No chair of historic or artistic interest is disposed of

(9) The replacement of a grand piano with another grand piano and the disposal of the original grand piano No piano of historic or artistic interest is disposed of

B5 Churchyard

(1) The introduction of benches in a churchyard No bench has an inscription on it which would not be permitted on a monument in the churchyard under the applicable churchyard regulations made or approved by the chancellor

(2) The replacement of gas or oil tanks The replacement tank is of similar dimensions and in substantially the same location
No works of excavation are involved
The local planning authority is notified of the proposal

(3) The routine maintenance, repair or rebuilding of walls The works do not relate to any wall which is included in the Schedule maintained for the purposes of the Ancient Monuments and Archaeological Areas Act 1979
The works are identified as routine items of maintenance in the most recent report prepared in respect of the church pursuant to section 1(2) of the Inspection of Churches Measure 1955 (commonly known as the "quinquennial inspection report") or in subsequent written advice from a person registered under the Architects Act 1997 or a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor
Details of any materials to be used are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter
The works do not involve any new disturbance below ground level
The parochial church council's insurers are notified if external scaffolding is to be erected

(4) The routine maintenance or repair of lychgates The lychgate is not separately listed as a building of special architectural or historic interest under the Planning (Listed Buildings and Conservation Areas) Act 1990

UK Parliament SIs 2010-Present/2015/1551-1600/Faculty Jurisdiction Rules 2015 (SI 2015/1568)/Part 3
Matters not Requiring a Faculty/3.5 Excluded matters--general

3.5 Excluded matters--general

- (1) Rules 3.2 to 3.4 do not permit the undertaking of any of the following matters--
- (a) any works which involve alteration to or the extension of a listed building to such an extent as would be likely to affect its character as a building of special architectural or historic interest;
 - (b) any works which are likely to affect the archaeological importance of a building or any archaeological remains within a building or its curtilage;
 - (c) any works in respect of all or part of which scheduled monument consent is required under the Ancient Monuments and Archaeological Areas Act 1979;
 - (d) any works which involve extension, demolition or partial demolition of a building, or the erection of a new building;
 - (e) any matter which gives rise to a question of law or of doctrine, ritual or ceremonial or which would, if undertaken, affect the legal rights of any person;
 - (f) the exhumation or other disturbance of human remains;
 - (g) the reservation of a grave space;
 - (h) the sale or other disposal of any article of architectural, archaeological, artistic or historic interest;
 - (i) the sale of any book remaining in or belonging to a library to which the Parochial Libraries Act 1708 applies;
 - (j) the introduction of an aumbry or any other receptacle used for the reservation of the sacrament of Holy Communion; or
 - (k) the introduction of, or the carrying out of any work to, a monument of the kind referred to in section 3 of the Faculty Jurisdiction Measure 1964.
- (2) The reference in paragraph (1)(e) to a matter affecting the legal rights of a person does not include a reference to the grant of a licence for the grazing of a churchyard by livestock.
- (3) Where it is proposed to undertake a matter which falls within paragraph (1) a faculty (or an interim faculty under Part 15) must be sought.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 2016: see r 28.1(2).

Document information

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