

The Revd Rupert Allen
DAC Secretary & Database Manager
Direct Line: 0116 261 5332 (with voicemail)
OFS & Diocesan Database: <https://cofeportal.org/>
Architect submissions: dac@lecpportal.org
Email: rupert.allen@leccofe.org
Website: www.leicester.anglican.org/dac/



Diocesan Advisory Committee
for the Care of Churches

Questions and Answers

Q. What is a 'faculty'?

A. A 'faculty' is the old fashioned word, dating back to the 11th Century when the rudiments of this system were first devised, for permission from the Diocese to make a change to a church building, its contents or anything within the 'curtilage' – that is, the boundary of the church and churchyard. A Faculty is needed for repairs, alterations, additions or disposals.

Q. What about Listed Building Consent?

A. In the modern context, the faculty system managed by the Church of England enables exemption from the need to obtain Listed Building Consent from the Local planning Authority (referred to as the "Ecclesiastical Exemption") – this does **NOT** exempt churches from needing Planning Permission for **anything** that affects the setting of the Listed Building e.g. extensions.

Q. What regulations govern the faculty system?

A. Our system is currently governed by the following: -
Care of Churches and Ecclesiastical Jurisdiction Measure 1991
The Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure 2015 (Commencement, Transitional and Saving Provisions) Order 2015
Faculty Jurisdiction Rules 2015
These have the status of Government legislation and are not just an internal requirement of the Church of England. The Faculty System applies to **all** church buildings – listed (which most are) or not.

Q. Who issues a Faculty?

A. A faculty is issued by the Diocesan Chancellor after consultation with the Diocesan Advisory Committee for the Care of Churches (DAC) and other bodies.

Q. Who is the Chancellor?

A. The Chancellor of the Diocese is the person who is legally responsible for approving or turning down the proposed changes to the Church. Each Diocese has one. The Chancellor is usually a barrister or judge.

Q. What is the DAC?

A. The Diocesan Advisory Committee for the Care of Churches (DAC) is the diocesan committee required within the Faculty process, to act as an advisory body on matters

St Martins House
7 Peacock Lane
Leicester
LE1 5PZ

The Leicester Diocesan Board of Finance is a company limited by Guarantee,
registered in England No 227087 Charity Registered No 249100.

Registered Office St Martins House, 7 Peacock Lane, Leicester, LE1 5PZ

T: 0116 261 5200

www.leicester.anglican.org

Advisory Committee for the Care of Churches: Diocese of Leicester

affecting places of worship in the diocese, having due regard to the Church's role as a local centre of worship and mission, relating to: -

- Their architecture, archaeology, art and history
- Their use, care, planning and design
- The use and care of their contents
- The use and care of churchyards

The DAC consists of members, appointed by the Bishop, who between them have knowledge of the history, development and use of church buildings, liturgy and worship, architecture, archaeology, art, history and experience of the care of historic buildings and their contents. They give their time free and are an invaluable source of advice to PCCs.

The DAC is required to give advice to: -

- District / Parochial Church Councils, particularly in respect of proposals which will require a Faculty, as they develop their thinking about any projects they may have, or repairs or remedial works they may need to undertake. The Committee has a wide range of experts who can offer technical advice on the best way to proceed. The DAC also offers early advice to a PCC if it is considering a major re-ordering, the addition of new facilities (e.g. a WC or kitchen), or an extension
- Anyone else who is contemplating making an application for a private faculty
- The Diocesan Chancellor who is responsible for granting a Faculty

Q. What is a Notification of Advice?

A. This used to be called a DAC Certificate but the Faculty Jurisdiction Rules 2013 changed the name for reasons of clarity. A Notification of Advice confirms that the DAC has considered the proposals, and either recommends them, does not object to them or does not recommend them. It will also record any conditions that the Committee suggests be applied. These conditions are typically to do with the way the works are carried out, the materials that are to be used and very occasionally how you should modify the original proposals. In the case of a Notification of Advice that does not recommend the proposals may also include the DAC's reasons for not recommending the proposals. The Notification of Advice goes with the formal faculty application and is used by the Chancellor to help him decide whether or not to grant the faculty.

Q. I'm confused by all this! Doesn't the DAC grant faculties?

A. No. The DAC advises the Chancellor on whether the proposed changes are, in its view, appropriate or suitable. The Committee can only offer its advice the Chancellor in the light of pastoral, heritage, practical, legal and, where appropriate, aesthetic considerations. The Chancellor decides whether a church's proposals can go ahead or not. He is guided by the DAC's views, and usually (but not always) goes along with the Committee's recommendations. The Chancellor is responsible for issuing a 'faculty' but delegates the decision on some straightforward matters to the Archdeacon. The Chancellor or Archdeacon are responsible for issuing a Faculty through the Diocesan Registrar and the process is identical.

Q. We've been issued with a Notification of Advice. Can we start work before the faculty is issued?

A. Absolutely not! A Notification of Advice from the DAC does not guarantee that the Chancellor will issue a faculty. It is always best to wait as the consequences of starting work and then finding that the Chancellor does not agree with the DAC can be very serious.

Q. Do we need a faculty for everything?

A. No. Under the Faculty Jurisdiction Rules 2015, from 1 January 2016, there is a national list of those works that may be undertaken without faculty (Matters not requiring a Faculty).

There are two categories: -

1. **List A** Routine maintenance such as clearing, cleaning, re-painting (as before) may be undertaken without a faculty and with **no prior consultation with the DAC nor authorisation by the Archdeacon**. Although there is no legal requirement to record these works save in the Log Book, the Archdeacons are encouraging all D/PCCs to record these through the Online Faculty System (OFS) at <https://facultyonline.churchofengland.org/> or the Church of England Portal (follow the link at the top of page 1)
2. **List B** Matters not requiring a Faculty that **require authorisation by the Archdeacon**. The List can be found at www.leicester.anglican.org/dac/fandmnrdf/. An application will then need to be made through the OFS.

Do not assume that permission is not required – the List is the **only** definition of whether permission is required. If in doubt having checked the List, contact the DAC Secretary about whether or not permission is needed **before proceeding with the work**.

Q. Our church isn't listed, and it isn't old. Do we still need a faculty to undertake a reordering?

A. Yes. All churches (whether Listed, locally listed or unlisted) come under Faculty Jurisdiction. But it is true to say that it is on the whole a lot easier to make changes to an unlisted building than to a listed one, especially Grade I or Grade II* (the most important grades).

Q. Who can I talk to about the faculty process?

A. In the first instance, you should consult Rupert Allen, DAC Secretary, who can be contacted at St Martins House, 7 Peacock Lane, Leicester, LE1 5PZ or telephone 0116 261 5332 or email rupert.allen@leccofe.org and is available to help with information and advice about the faculty process and also for early advice on your church proposals.