

The Faculty Jurisdiction (Amendment) Rules 2019

The Faculty Jurisdiction (Amendment) Rules 2019 will amend the Faculty Jurisdiction Rules 2015 and will come into force on the **1st April 2020**. The most significant changes will be as follows:

Consultation with Amenity Societies etc. must take place *prior* to the issue of the DAC's Notification of Advice:

Part 4 of the 2015 Rules will be amended so that all consultation (with amenity societies, Historic England etc.) must take place *prior* to the issue of the Notification of Advice by the Diocesan Advisory Committee (DAC). The DAC will not issue its notification of advice on proposals under the new Part 4 until the applicable consultation(s) have been carried out.

Petition documents must be made public online *as well as* in hard-copy:

Rule 5.7 of the 2015 Rules will be amended so that petition documents must be publicly available for inspection online until the Chancellor has determined the petition. This will not remove the need for petitioners to display a hard-copy of the petition documents; paper copies of the petition documents must still be made publicly available for inspection in the church or in some other place identified in the Public Notice.

Please note: In order to make petitions available for inspection 'online', it is likely that the OFS will be made publicly accessible (up to the point of the expiry of the Public Notice period).

A Public Notice must contain the Registry's e-mail *and* postal address:

Rule 6.2 of the 2015 Rules will be amended so that the Public Notice for a petition must provide the Registry's e-mail address *and* postal address, to which letters of objection can be sent.

The Registry must notify any Amenity Society etc. of the final determination:

Part 7 of the 2015 Rules will be amended so that any amenity society, Historic England etc. has made representations in respect of a faculty petition, the Registry must notify that body or society of the final determination in the faculty proceedings.

Archdeacon's licence for temporary minor reordering is to be extended:

Rule 8.2 of the 2015 Rules will be amended so that an Archdeacon's licence for temporary minor reordering can be granted for up to 24 months (instead of the current 15 months).

Parties invited to submit views *prior* to an Order for written representations:

Part 14 of the 2015 Rules will be amended so that the Chancellor must invite parties of a faculty petition to submit their views, prior to deciding whether to make an order that proceedings be determined on consideration of written representations.

Currently, a Chancellor may order that proceedings be determined by way of written representations, but with the consent of all parties. If a party did not therefore consent to proceed by way of written representations, an order would be made for a hearing.

The new rules propose that the Chancellor will invite parties to set out their view on whether they would consent to proceed by way of written representations, before any order is made. If a party did not therefore consent to proceed by way of written representations (opting for a hearing instead), the Chancellor would consider this view before deciding whether to make such an order for that hearing. This means that the Chancellor might make an order to determine that proceedings be considered by way of written representations, despite a party expressing their view in favour of a hearing.

List A and List B are expanding:

Schedule 1 of the 2015 Rules will be amended so that there is greater scope and clarity regarding works that can be performed without a faculty as described in List A and List B.

The need that such repairs must be identified in the most recent quinquennial inspection report is removed.

The distinction is made between listed and unlisted buildings (with a greater range of works to unlisted buildings being added to List A).

Interim/transitional period:

Any petitions that are submitted or are 'in process' prior to the 1st April 2020 shall continue under the 2015 Rules. Any petitions submitted on or after the 1st April 2020 shall commence under Amendment Rules 2019.

These guidance notes are issued by the Registry and are correct of 6th November 2019 and can be subject to change from time to time.