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STATUTORY INSTRUMENTS

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**2019 No. 1184**

**The Faculty Jurisdiction (Amendment) Rules 2019**

**Substitution of Schedule 1 (matters which may be undertaken without a faculty)**

**20.—(1)** For Schedule 1 substitute—

“SCHEDULE 1

Rules 3.2 and 3.3

Matters which may be undertaken without a faculty

**General notes**

List A and List B set out matters which may generally be undertaken without a faculty subject to conditions specified in Table 1 and Table 2 and, in the case of List B, subject to the archdeacon giving written notice that the matter may be undertaken. However, a matter may not be undertaken without a faculty despite being included in List A or List B if it comprises

- 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
- works which are likely to affect the archaeological importance of a building or any archaeological remains within a building or its curtilage
- works for all or part of which scheduled monument consent is required under the Ancient Monuments and Archaeological Areas Act 1979
- works which involve the extension, demolition or partial demolition of a building or the erection of a new building
- a matter which gives rise to a question of law or doctrine, ritual or ceremonial or which would, if undertaken, affect the legal rights of any person
- the exhumation or other disturbance of human remains
- the reservation of a grave space
- the sale or other disposal of an article of architectural, archaeological, artistic or historic interest
- the sale of any book remaining in or belonging to a parochial library<sup>(1)</sup>
- the introduction of an aumbry or another receptacle used for the reservation of the sacrament of Holy Communion
- the introduction of a monument, or the carrying out of work to a monument erected in or on, or on the curtilage of, a church or other consecrated building or on consecrated ground.

In List A and List B—

“authorised” means authorised by faculty or under List A or List B;

“church” includes a building which is included in the list maintained by the Church Buildings Council under section 38(1) of the Measure;

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(1) “Parochial library” is defined in section 95(4) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 as “a library in a parish which was founded (whether before or after the commencement of this Measure) by way of charitable contribution in order to assist the clergy of the Church of England with their studies”.

“fabric” means the structure of a building comprising its walls, floor and roof;

“historic”, in relation to material, means material which is of historic or architectural significance;

Advice may be sought from the Diocesan Advisory Committee as to whether material is historic material or whether an article is of architectural, archaeological, artistic or historic interest.

Application may be made to the chancellor for directions as to matters not included in List A or List B that are of such a minor nature that they may be undertaken without a faculty.

**Table 1**

**List A – Matters which may be undertaken without a faculty and without the need for consultation**

This table prescribes matters which may be undertaken without a faculty subject to any specified conditions. See the general notes as to matters which may not be undertaken without a faculty despite being included in List A.

<i>Matter</i>	<i>Specified conditions</i>
<b>A1. Church building etc.</b>	
(1)(a) Works of maintenance, not involving repair or substantial replacement of material, carried out as part of the regular course of care and upkeep of the building	The parochial church council’s insurers are notified if external scaffolding is to be erected
(b) works of repair not materially affecting the fabric or any historic material	
(2) Repairs and replacement of fittings in existing kitchens, lavatories, office accommodation and other ancillary rooms	
(3) Like for like repairs to window glass	The works do not include repairs to stained glass or to clear glass manufactured before 1960
(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) The treatment of timber against beetle or fungal activity where the church is not a listed building	The works do not involve the replacement of timber
(6) Works of maintenance, repair and adaptation (not amounting to substantial addition or replacement but including re-wiring) to existing—	The works do not involve making additions to an electrical installation
(a) heating systems (including the replacement of control 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)
(b) gas, water or other services	
(c) electrical installations (including lighting installations) and other electrical equipment	Any work to an oil-fired heating system or 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))
	In the case of adaptation, the parochial church council’s insurers are notified of the proposals

<i>Matter</i>	<i>Specified conditions</i>
(7) The replacement of a boiler in the same location and utilising an existing fuel supply and existing pipe runs  (See matter B1(5) in List B for replacement using different fuel supply of 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)  Any work to an oil-fired heating system is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))  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 like for like replacement of roof lead or other material covering the roof of a building which is not a listed building	The original introduction of the material being replaced was authorised  The parochial church council's insurers are notified of the proposals
(9) The installation of a roof alarm (including an alarm with an image capture facility)	The amount of associated cabling is kept to the minimum that is reasonably practicable  The parochial church council's insurers are notified of the proposals  Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
(10) The application of forensic marking on roof lead or other material covering a roof or to rain water goods or flashings	
(11) Work to an existing lightning conductor	The parochial church council's insurers are notified of the proposed work  The parochial church council is satisfied that the person who is to undertake the work has the necessary skill and experience
(12) The replacement or introduction of a weathervane on a church which is not a listed building	
(13) The repair, maintenance, removal, disposal or replacement of a flagpole	Only non-corroding fixings are used where a flagpole is repaired or replaced
(14) The introduction, removal or disposal of furniture, furnishings, office equipment and minor fixtures (including safes) in vestries and similar rooms	The existing use of the vestry or similar room is not changed  No article of historic or artistic interest is removed or disposed of
(15) 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 is complied with

<i>Matter</i>	<i>Specified conditions</i>
(16) 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
(17) The installation of bat boxes as part of a bat management programme	
(18) The introduction of anti-roosting spikes	Only non-corroding fixings are used and, where practicable, are fixed in mortar joints
(19) The installation of bird netting to tower windows	
(20) The adaptation of an existing sound reinforcement system	Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))  In the case of a church which is a listed building, no alteration is made to existing fixings or cable runs (but see matter B1(13) in List B)
(21) The introduction of a defibrillator in a church which is not a listed building	
<b>A2. Musical instruments</b>	
(1) The introduction or disposal of musical instruments (other than pipe organs and non-portable electronic organs) 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
(3) The repair or replacement of electrical motors and humidification equipment for organs	Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
<b>A3. Bells etc.</b>	
(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-soleing 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
<b>A4. Clocks</b>	
(1) The inspection and routine maintenance of clocks and clock dials	Works do not include re-painting or re-gilding of clock dials or repainting clock movements
(2) Maintenance and like-for-like repairs, without removing the clock from the church, of:	

<i>Matter</i>	<i>Specified conditions</i>
(a) ratchets, clicks and click springs on flies	
(b) locking levers	
(c) pulleys	
(d) broken hands	
(e) clock hammers and their springs	
(3) Replacement of:	
(a) weight lines	
(b) suspension springs	
(c) fixings of clock dials	
(4) The reinstallation of disconnected hands and numerals	Works do not include re-painting or re-gilding of clock dials or repainting clock movements
(5) Repairs to bell cranks and clock bell hammers	
(6) The upgrading of electrical control devices and programmers	Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))
<b>A5. Church contents</b>	
(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 — Royal coats of arms — hatchments or other heraldic achievements — paintings — textiles of historic or artistic interest — church plate (including candlesticks and crosses)
(2) The application to articles of forensic marking	No article of historic or artistic interest is marked without first obtaining specialist advice
(3) The introduction, removal or disposal of kneelers, hassocks, pew runners and cushions	The introduction, removal or disposal of the articles does not result in a change to the overall appearance of the church  No article of historic or artistic interest is removed or disposed of
(4) The introduction, removal or disposal of—	No article of historic or artistic interest is removed or disposed of
(a) movable bookcases	
(b) books	No article being introduced is fixed to historic fabric
(c) free-standing noticeboards	
(d) movable display stands	
(e) cruets	
(f) vases and flower stands	
(g) hymn boards	
(h) altar linen (but not altar frontals or falls)	
(i) flags and banners used for temporary displays (but not the laying up of flags, or the removal or disposal of flags that have been laid up)	

<i>Matter</i>	<i>Specified conditions</i>
(j) the Union flag or St George's flag (with or without the diocesan arms in the first quarter) for flying from the church	
(k) portable audio-visual equipment	
(l) wi-fi routers	
(m) equipment for card payment systems	
(5) The removal or disposal of—	No article of historic or artistic interest is removed or disposed of
(a) redundant sound reinforcement equipment	
(b) carpet	
(c) free-standing chairs (but not pews, benches or stalls)	
(6) The like for like replacement of carpet	Only breathable material is used
	No article of historic or artistic interest is removed or disposed of
(7) Treatment of fixtures and furniture against beetle or fungal activity	No material of historic or artistic interest is treated See matter B4(6) in List B for treatment of material of historic or artistic interest)
(8) The replacement of curtains (other than curtains and other hangings associated with an altar)	No article of historic or artistic interest is removed or disposed of
(9) The introduction of free-standing chairs in a church which is not a listed building	
(10) The introduction, in a church which is a listed building, of additional free-standing chairs of a design which has previously been introduced in the church under the authority of a faculty	
(11) The introduction of a fixed internal noticeboard (including in a porch) in a church which is not a listed building	
<b>A6. Church halls and similar buildings subject to the faculty jurisdiction</b>	
(1) Works of maintenance and repair to the building and the replacement of fittings in the building	
(2) The introduction, removal or disposal of furniture and fittings	No article of historic or artistic interest is removed or disposed of
(3) Replacement of material covering the roof where neither the church nor the church hall or similar building is a listed building	
(4) The introduction of a defibrillator in a building which is not a listed building	
<b>A7. Churchyard</b>	
(1) The introduction and maintenance of equipment for maintenance of the church and churchyard	
(2) The repair of paths and other hard-surfaced areas, including resurfacing in the same materials and colour	

<i>Matter</i>	<i>Specified conditions</i>
(3) The introduction of unwired lighting to mark the edge of a path	
(4) The maintenance of fences, walls and gates (including lychgates and stiles), not involving repair or replacement, carried out as part of the regular course of care and upkeep of the fence, wall or gate	Any new disturbance below ground level is kept to a minimum
(5) Repairs to, and like for like replacement of, fences and gates other than lychgates, walls or historic railings	Any new disturbance below ground level is kept to a minimum
(See matters B6(2) and (3) in List B for repairs to walls and lychgates)	
(6) The repair, repainting or like for like replacement of a noticeboard	The wording on the board is not changed except for the purpose of updating existing information that is included on the board  In the case of replacement: <ul style="list-style-type: none"><li>— the Town and Country Planning (Control of Advertisement) Regulations 2007 are complied with,</li><li>— the replacement noticeboard is not illuminated, and</li><li>— any new disturbance below ground level is kept to a minimum</li></ul>
(7) The grant by the incumbent of a licence for grazing in the churchyard	The licence is in a form approved by the chancellor
(8) The disposal or replacement of gas and oil tanks (and associated pipe work)	No works of excavation are involved  The local planning authority is notified of the proposal  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 oil-fired heating system is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))  In the case of replacement, the replacement tank is of similar dimensions and in substantially the same location
(9) The introduction, replacement or disposal of a flagpole not attached to the church building	The local planning authority is notified of the proposal  Any new disturbance below ground level is kept to a minimum
(10) The introduction of a defibrillator where the church is not a listed building	

**A8. Trees**

<i>Matter</i>	<i>Specified conditions</i>
(1) The felling, lopping or topping of a tree 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)	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  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— that is dying or dead; or 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 on the proposal to undertake the matter 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.

See the general notes as to matters which may not be undertaken without a faculty despite being included in List B.

<i>Matter</i>	<i>Specified conditions</i>
<b>B1. Church building etc.</b>	
(1) Works of repair affecting the fabric or historic material	The repair does not introduce material of a type that does not already form part of the fabric or historic material that is to be repaired  The repair does not involve the substantial replacement of a major part of the fabric or of historic material  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) Works of external or internal redecoration (other than to areas of historic wall painting, even if already painted over)	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  The parochial church council's insurers are notified if external scaffolding is to be erected



<i>Matter</i>	<i>Specified conditions</i>
(4) The treatment of timber against beetle or fungal activity where the church is a listed building	The works do not involve the replacement of timber
(5) The replacement of a boiler in the same location utilising a different fuel supply or pipe runs  (See matter A1(7) in List A for replacement using existing fuel supply and 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 parochial church council's insurers are notified of the proposals
(6) The like for like replacement of roof lead or other material covering the roof of a listed building	The original introduction of the material being replaced was authorised  The parochial church council's insurers are notified of the proposals
(7) The installation of lighting and safety equipment	The lighting or other equipment: <ul style="list-style-type: none"><li>— is installed only in a part of the church (such as a tower or crypt) that is not normally visible to the public, or</li><li>— when installed will not be visible from ground level</li></ul> 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
(8) The extension of an existing lighting system	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 installation of a lightning conductor	The parochial church council's insurers are notified of the proposals  The parochial church council is satisfied that the person who is to undertake the work has the necessary skill and experience
(10) The installation of closed circuit television for security purposes	Details of cameras and other equipment, their proposed location and the location of any cable runs are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter

<i>Matter</i>	<i>Specified conditions</i>
	<p>Regard is had to any guidance issued by the Church Buildings Council relating to privacy and the protection of personal data</p> <p>Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))</p>
(11) The installation of security and fire alarms	<p>Details of equipment, its proposed location and the location of any cable runs are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter</p> <p>Any work to an electrical installation is carried out by a person whose work is subject to an accredited certification scheme (as defined in rule 3.1(6))</p>
(12) The installation of locks (including timed and other electronic locking devices)	
(13) The installation of a sound reinforcement system or loop system (including a control desk) or the alteration of an existing system	
(14) The introduction of a defibrillator in a church which is a listed building	
(15) The introduction of fixed audio-visual equipment in a church which is not a listed building	<p>Details of equipment, its proposed location and the location of any cable runs are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter</p>
(16) The removal of asbestos	<p>Works, other than works of minor reinstatement and repair, will not be required following the removal of the asbestos</p>
(17) The refurbishment of facilities for serving refreshments	<p>The original introduction of the facilities being refurbished was authorised</p>
(18) The removal of partitions or divisions that did not form part of the original construction of a church which is not a listed building	
(19) The introduction of bird boxes	
<b>B2. Bells etc.</b>	
(1) The lifting of a bell to allow the cleaning of bearings and housings	<p>Regard is had to any guidance issued by the Church Buildings Council</p> <p>No modification is made to the manner in which any bell may be sounded</p> <p>No historic material is modified or removed</p>
(2) The like for like replacement of—	<p>Regard is had to any guidance issued by the Church Buildings Council</p>
(a) bearings and their housings	
(b) gudgeons	
(c) crown staple assembly	<p>The works do not involve the drilling or turning of the bell</p>
(d) steel or cast iron headstocks	

<i>Matter</i>	<i>Specified conditions</i>
(e) wheels	No modification is made to the manner in which any bell may be sounded No historic material is modified or removed
(3) The replacement of—	Regard is had to any guidance issued by the Church Buildings Council
(a) bell bolts	
(b) a wrought iron clapper shaft with a wooden-shafted clapper	No modification is made to the manner in which any bell may be sounded No historic material is modified or removed
(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 No modification is made to the manner in which any bell may be sounded No historic material is modified or removed
(6) The installation of an electric silent ringing device for the training of ringers	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 device is installed in a location not normally visible to the public No alteration is made to the fittings of the bells other than the installation of electric contacts and wires The device does not adversely affect the church's protection against lightning
(7) The installation of louvres in a belfry as a sound control measure	Any fixings are made into mortar
(8) The introduction of peal boards in a location not normally visible to the public	

### **B3. Clocks**

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| (1) Alterations to striking trains to prevent striking at night                          | No part of the clock movement is affected |
| (2) The repair or replacement of electrical or electronic clocks manufactured after 1950 |   |

### **B4. Church contents**

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| (1) The repair and maintenance of church plate (including candlesticks and crosses) not of historic or artistic interest |  |
| (2) The replacement of an electronic organ (but not of a pipe organ)   | The original introduction of the electronic organ being replaced was authorised<br>The replacement electronic organ is on a similar scale to the electronic organ being replaced |

<i>Matter</i>	<i>Specified conditions</i>
(3) Like for like repairs and works of conservation to a pipe organ	The archdeacon is satisfied, having regard to the advice of the diocesan advisory committee or a member or officer of the committee, that the person who is to carry out the work has the necessary skill and experience
(4) The installation of humidification equipment for a pipe organ	The archdeacon is satisfied, having regard to the advice of the diocesan advisory committee or a member or officer of the committee, that the person who is to carry out the work has the necessary skill and experience  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))
(5) The replacement of carpets or other floor covering and underlay (see List A for like of like replacement of carpets)	Only breathable material is used No article of historic or artistic interest is replaced
(6) Treatment of fixtures and furniture against beetle or fungal activity (see List A for treatment of material not of historic or artistic interest)	
(7) The introduction of a book of remembrance and stand	
(8) The introduction of a stand for candles	
(9) The introduction of a fixed internal noticeboard (including in a porch) where the church is a listed building	
(10) The introduction of a heating appliance not forming part of a heating system	Details of the appliance, its proposed location and the location of any cable runs are submitted to the archdeacon when the archdeacon is consulted on the proposal to undertake the matter  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))
(11) Works of repair to altar frontals and falls	No work is carried to an article of historic or artistic interest
(12) Disposal of redundant altar frontals and falls	No article of historic or artistic interest is disposed of
<b>B5. Church halls and similar buildings subject to the faculty jurisdiction</b>	
(1) The introduction of a defibrillator in a building which is a listed building	
<b>B6. Churchyard</b>	
(1) The introduction and removal of benches in a churchyard	No bench proposed to be introduced has an inscription on it which would not be permitted on a monument

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<i>Matter</i>	<i>Specified conditions</i>
(2) The repair or rebuilding of walls	in the churchyard under the applicable churchyard regulations made or approved by the chancellor  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 or is separately listed as a building of special architectural or historic interest under the Planning (Listed Buildings and Conservation Areas) Act 1990  Any new disturbance below ground level is kept to a minimum
(3) The 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
(4) The introduction, replacement or alteration of a notice board	A new notice board is not illuminated  The Town and Country Planning (Control of Advertisement) Regulations 2007 are complied with
(5) The introduction of a defibrillator where the church is a listed building	Any new disturbance below ground level is kept to a minimum
(6) The introduction of stands for bicycles	
(7) The resurfacing of paths and other hard-surfaced areas using different materials or colour where the church is not a listed building	
(8) The introduction of hand rails to steps or paths	
<b>B7. Trees</b>	
(1) The planting of trees	Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards
(2) The felling of a tree— (a) that is dying or dead; or (b) has become dangerous	In the case of any tree in respect of which a tree preservation order is in force or which is in a conservation area, section 206 of the Town and Country Planning Act 1990 (which provides for the planting of replacement trees) is complied with  Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards
(3) All other works to trees (whether or not prescribed in List A) except felling	If applicable, the law relating to the preservation of trees in respect of which a tree preservation order is in force or which are in a conservation area is complied with  Regard is had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards”

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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