

Faculty and the DAC

The Faculty Jurisdiction: an explanation

A Faculty is a licence from the Diocesan Consistory Court authorising work in a Church of England church or churchyard. The Court is presided over by the Diocesan Chancellor, who makes the decision on whether to grant Faculty after hearing the advice of all interested parties. As with all judicial systems, there are appropriate appeal procedures in place.

The Faculty system is established by the Canons of the Church of England, which state in Section F13.3 that:

“It shall be the duty of the minister and churchwardens, if any alterations, additions, removals, or repairs are proposed to be made in the fabric, ornaments, or furniture of the church, to obtain the faculty or licence of the Ordinary [the Chancellor] before proceeding to execute the same.”

The Church of England: Canons of the Church of England 2000

Formally, Faculty Jurisdiction applies if your building is:

1. The parish church.
2. Consecrated for public worship.
3. Licensed for public worship after February 1993.
4. Otherwise nominated by the Bishop for inclusion under Faculty.

As with all Church of England legislation, Faculty Jurisdiction has been enacted by Parliament and has the full force of law. The relevant Measures can be viewed here:

UK Legislation: Care of Churches and Ecclesiastical Jurisdiction Measure 1991

UK Legislation: The Faculty Jurisdiction Rules 2000

Buildings under Faculty Jurisdiction are not subject to the ‘listed building consent’ usually required by the secular Planning Authorities for works to listed buildings and ancient monuments. This is known as the ‘Ecclesiastical Exemption’. However, churches are still subject to other secular statutory controls. Planning Permission is required for external changes and additions to the building and churchyard. It is similarly important to know whether your church is listed or in a conservation area, as this will affect the permissions required for proposed building work. Detailed information is provided here:

Churchcare: Secular Statutory Controls

If your parish is planning work that will fall under Faculty Jurisdiction, the full petition form for applying for Faculty can be found here:

Diocese of Birmingham: Faculty Petition Form

Almost all work to a church or churchyard is subject to the Faculty Jurisdiction. However, there are some matters of a minor nature that may be undertaken without a Faculty. This allows small works

of repair and general maintenance to go ahead quickly without unnecessary bureaucracy. These matters are usually referred to as *De Minimis* ('minimal things'). The full *De Minimis* list can be viewed here:

[Diocese of Birmingham: De Minimis List](#)

The Diocesan Advisory Committee for the care of churches (DAC)

The Church of England's [Churchcare website](#) describes the DAC as:

"...a statutory body set up under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. Its main functions are to give advice on the architecture, archaeology, art and history of places of worship to the diocesan chancellor, the archdeacons and parishes. As the first stage of the Faculty Jurisdiction, the DAC considers faculty applications and advises the chancellor whether or not a faculty should be granted.

The DAC also advises churchwardens, parishes and clergy who are planning work to their churches. This advice is given on a voluntary basis by members of the Committee, who have between them knowledge of the history, development and use of church buildings; liturgy and worship of the Church of England; architecture, archaeology, art and history and experience in the care of historic buildings and their contents. The committee members are supported by a team of consultants and specialist advisers.

The DAC provides advice and support to parishes at all stages of projects, from initial thoughts, through fundraising and making a faculty application, to completion. It is recommended to consult your DAC as early as possible in order to avoid unnecessary waste of time and costs."

[Churchcare: The Diocesan Advisory Committee for the care of churches \(DAC\)](#)

The DAC is made up of at least 16 members, including the Chair, the 2 Archdeacons, 2 nominees from the Diocesan Synod, and 1 nominee each from a Local Government Association, English Heritage and the National Amenity Societies. All members are professionals and expert in their appropriate fields, such as architecture, mechanical and electrical engineering, organ installation/maintenance and historic conservation. There is no charge or cost to the parish in seeking the advice of a DAC member.

A member of the DAC will often visit a church, following a petition, to talk through proposals in order to assist the parish's development of a scheme. For larger proposals, such as a complete liturgical reordering, a sub-group of the full Committee may ask to come to the church to talk over the plans. Where appropriate, having an early discussion with the DAC will be a great aid in helping a project progress quickly and efficiently.

[Diocese of Birmingham: DAC Membership](#)

In addition to discussing a project with the DAC, the relevant groups with the National Amenity Societies should be approached as they have great expertise regarding churches and their contents, and where applicable, the Chancellor might ask for an opinion from these organisations on certain projects. Further details on the National Amenity Societies can be found here:

[Churchcare: National Amenity Societies - their role in the conservation of Anglican churches](#)

After the initial conversations have taken place, a fully documented proposal (the 'Petition') should be sent by the applicants to the DAC Secretary. The DAC will meet (on approximately 7 days each year), consider the Petition and its supporting evidence, and then issue a Certificate of Recommendation if appropriate. Before any work can begin, the applicant must have displayed a Public Notice (provided by the DAC Secretary on receipt of a Petition) at their church, explaining the nature of the proposed work, for no fewer than 28 days. This is required so that local people and others have the opportunity to write to the Chancellor regarding the project if they so wish.

[Diocese of Birmingham: DAC Meeting Dates](#)

After the DAC has met, the Petition, Certificate and supporting documentation are sent by the DAC Secretary to the Diocesan Registrar. The Registrar will then allocate Petitions either to an Archdeacon (for matters such as minor repairs) or to the Chancellor as judge of the Consistory Court. The applicants will be informed by the Archdeacon or the Chancellor when permission is granted for the petitioned work to be carried out.

The Quinquennial Inspection (QI)

By law, every Parochial Church Council (PCC) must appoint a Church Inspector and arrange for them to perform a full survey of the building every five years (the 'Quinquennial Inspection', or QI). The DAC keeps a list of individuals that it has approved to carry out this role, which can be viewed here:

[Diocese of Birmingham: Quinquennial Inspectors](#)

The purpose of the QI is help the PCC identify any significant repairs or improvements that may need carrying out at their church. In addition to at least one copy being provided to the PCC as client, the Inspector will send a copy to the DAC Secretary and the Archdeacon for their information.

The Church Inspector is a professional person and must be properly reimbursed for conducting the QI. To help PCCs, the fee paid to the Inspector for the QI is met from the DAC's budget, though the PCC remains the Inspector's client.

[Churchcare: Quinquennial Inspection of Churches](#)

When problems with the church building must be tackled, it is wisest to turn first to the Inspector for their help. Payment for this must be funded by each PCC and terms should be agreed on appointment. The Inspector should draw up a detailed scheme, producing specifications and supervising firms in which he or she has complete confidence.

It should be noted, however, that the PCC are not obliged to use their Church Inspector to carry out any work or services beyond the QI. The PCC is free to employ any suitably qualified individual or firm to carry out work to their buildings if doing so would achieve for them better value for money.

If the PCC is carrying out a project where more than 50% of the cost is being met by public grant money, or if the cost of the project is greater than £10,000, the professional used to carry out the

work must be appointed through a competitive tendering process. Full details can be found here:

[English Heritage: Procurement Regulations](#)

[Churchcare: Procurement Guidelines](#)

Although the QI does not require some major items to be assessed beyond their ‘apparent condition’ (for example, clocks, heating systems, lightning protection, bells and organs), these often warrant regular detailed inspections of their own. The DAC therefore strongly recommends that, while the QI is under way, these installations are also inspected.

In the case of electrical services, current regulations place the onus on the PCC to demonstrate its safety compliance. The same onus exists for the use of gas and oil. The DAC recommends five-yearly surveys at the same time as the QI, but any electrical inspection or work must be performed by a contractor registered with the following professional bodies: the National Inspection Council for Electrical Installation Contracting (NICEIC), the Electrical Contractors’ Association (ECA), or the National Association of Professional Inspectors and Testers (NAPIT).

Generally, for the purposes of health and safety, the worshipping community must know the shortest ways out of their church without the need for emergency lighting, standard safety signs, extinguishers or additional escape routes. For churches where there are rooms for hire, or with upper floors, inspectors from the Health and Safety Executive (HSE) would need to visit in order to establish whether health and safety provision is adequate. The Church Inspector will be able to offer guidance upon what provisions need to be made to satisfy the HSE.

The Statements of Significance and Need

Two very important documents in the making of a Petition for Faculty are your parish’s Statement of Significance (SoS) and Statement of Need (SoN).

The Church Buildings Council (CBC) provides the following description of the SoS:

“The Faculty Jurisdiction Rules 2000 define a Statement of Significance as ‘a document which summarises the historical development of the church and identifies the important features that make major contributions to the character of the church’.

The purpose of the Statement of Significance is to help you, the parish, explore the strengths and potential that your church holds for worship and mission, and to help those in the Faculty system advise you and assess your plans for change. A Statement of Significance should be prepared by every parish, and should accompany a faculty application and balance the separately prepared Statement of Need”.

[Church Buildings Council: Statements of Significance](#)

The SoS should be a personal document to the parish that shows what they feel about their building, including which aspects of it have a positive impact on the church’s life, worship and historic/cultural significance, and which features may have a negative impact. The following general guidance is available to help you in drafting a full SoS:

[Building on History: Historical Sources for a Statement of Significance \(pending\)](#)

[Divine Inspiration: Writing a better Statement of Significance](#)

Similarly, the CBC provides the following description of the SoN:

“The Faculty Jurisdiction Rules 2000 define a Statement of Need as ‘a document which sets out the reasons why it is considered that the needs of the parish cannot be met without making changes to the church building and the reasons why the changes are regarded as necessary to assist the church in its worship and mission’.

In short, the Statements of Need are the parish’s opportunity to explain, justify and rationalise the proposals to all interested parties, having regard to the Statement of Significance and impact of the proposed change. Consider that some people will not have the opportunity to visit the church and will need to base opinions on the information you provide in these supporting Statements.”

[Church Buildings Council: Statements of Need](#)

It has also become increasingly apparent to the CBC that some churches are of such complexity and significance that the normal SoS and SoN may not be adequate. Where this is the case, your PCC should consider creating a Conservation Management Plan (CMP).

[Churchcare: Conservation Management Plans for Major Churches](#)

Church of England ‘Churchcare’

The Quinquennial Inspection, the Faculty process and the DAC, and the Statements of Significance and Need are all important aspects of the churchcare process. However, looking after a church building is a long and continual process that involves a wide range of people. The Church of England [Churchcare website](#) “aims to be a comprehensive resource for anyone involved in the running of a church, offering advice on maintenance, repair, funding, legal matters, and extended and community uses.”

[Churchcare: About Churchcare](#)

The [Churchcare website](#) is the primary resource for [Caring for your Church Building](#), [Caring for your Church’s Contents](#), [Caring for your Churchyard](#) and [Developing your Church Building](#). As such, parishes should seek to be as familiar with this website’s extremely useful content as they can.

Further guidance on maintaining and managing historic churches can be viewed here:

[English Heritage: Caring for Places of Worship](#)

Finally, information on church protection and insurance can be viewed here:

[Ecclesiastical Insurance: Church Matters](#)

Contact the DAC

If you have any queries regarding the DAC process generally, or about any specific matters concerning your church, please contact:

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