

In the Consistory Court of the Diocese of Chichester  
In the matter of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018

## Additional Matters Order No. 1 of 2018

### Dispensation from Faculty

1. This Order is made pursuant to the provisions of section 78(1) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018. It replaces by substitution the Additional Matters Order No. 1 of 2016 which is hereby revoked.
2. Any person named on a Dispensation from Faculty may undertake the works or proposals stated therein, provided the conditions (if any) recorded on the Dispensation are complied with.

The Worshipful Mark Hill QC  
Chancellor

1 September 2018

#### Explanatory Note

*(This note does not form part of the Order)*

The Faculty Jurisdiction Rules 2015 (as amended) provide in Schedule 1 for certain matters within the jurisdiction of the Consistory Court to be undertaken without a faculty. List A prescribes matters which may be undertaken subject to any specified conditions. List B prescribes matters which may, subject to any specified conditions, be undertaken if the archdeacon has been consulted and has given notice in writing that the matter may be undertaken without a faculty.

As with any descriptive list, there will inevitably be instances where works which are of a similar minor nature do not come within the wording of a particular category. Rather than put a parish to the trouble and expense of obtaining a faculty, thereby adding to workload of an already overstretched Diocesan Advisory Committee (and possibly other individuals and organisations), parishes may continue to apply to the Chancellor for a Dispensation from Faculty which, if granted, will bring the proposal within List A.

The Dispensation from Faculty procedure is well-established within the Diocese of Chichester. It is described in the Chancellor's General Directions and has the confidence and support of the Diocesan Advisory Committee and Archdeacons. It is valued by parochial clergy, churchwardens and inspecting architects.

The process is relatively informal. The parish is required to set out its request in a letter or email to the Diocesan Registry to which should be attached all supporting documentation. Generally the written support of the Archdeacon and the parish's inspecting architect will be expected, together with a resolution of the Parochial Church Council or, if appropriate, its Standing Committee. If the Chancellor is satisfied that it is appropriate for a Dispensation from Faculty to be granted he will authorise the Registrar to issue one, a copy of which will be sent to the parish, the secretary of the Diocesan Advisory Committee and the Archdeacon. The Chancellor may require additional information before making his adjudication, which may include, but is not limited to, seeking the advice of the Diocesan Advisory Committee, or of an individual, officer or adviser

thereof. Conditions may be attached to a Dispensation from Faculty. A modest fee is charged to cover administration.

As will be plain from the foregoing description of the process, a Dispensation from Faculty will only be granted after scrutiny by the Chancellor. It is not a means of avoiding or circumventing the faculty jurisdiction. On the contrary, the system is robust and transparent and permits parishes merely to undertake proposals of a like nature to those set out in List A and List B but which fall outside its particular wording. This obviates the need for a series of fact-specific Additional Matters Orders, and enables the Consistory Court better to serve the pastoral needs of the diocese, recognising the role of the parish church as a local centre of worship and mission.

For the avoidance of doubt, a Dispensation from Faculty will not be granted in respect of any of the matters listed in section 77(7) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, namely:

- (a) 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) works which are likely to affect the archaeological importance of a building or any archaeological remains within a building or its curtilage;
- (c) works for all or part of which scheduled monument consent is required under the Ancient Monuments and Archaeological Areas Act 1979;
- (d) works which involve the extension, demolition or partial demolition of a building or the erection of a new building;
- (e) a matter which gives rise to a question of law or doctrine, ritual or ceremonial or which would, if undertaken, affect a person's legal rights;
- (f) the exhumation or other disturbance of human remains;
- (g) the reservation of a grave space;
- (h) the sale or other disposal of an article of architectural, archaeological, artistic or historic interest;
- (i) the sale of a book remaining in or belonging to a parochial library;
- (j) the introduction of an aumbry or another receptacle used for the reservation of the sacrament of Holy Communion;
- (k) 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.