

PETITION FOR A FACULTY

Please ensure that you read these notes carefully before completing the attached forms. Time spent on completing the forms in accordance with the instructions will assist the processing of your petition.

You should submit the Petition for Faculty, together with the Notification of Advice and supporting paperwork and fee, to the Registrar as soon as the Petition form has been completed (see page 3 of these notes for his address). At the same time, you should complete and display the enclosed form of Public Notice and a copy of that Notice should be included with the rest of the paperwork. Please see below for advice on the completion of the Petition and Public Notice, together with details of the fee payable.

You should also inform your inspecting architect that the Notification has been issued, particularly where there are provisos which they may be able to answer.

The Notification of Advice

You should note the contents of the Notification of Advice carefully, as it may include one or more provisos to the work. If the Notification does include provisos, you must inform the Secretary of the DAC in writing how you intend to respond to them, and also include this information in your submission to the Registrar.

The Notification may contain a list of those other bodies that should be consulted on the proposals, if this has not already been done. It is in the parish's interests to consult those bodies indicated as soon as possible and failure to do so at this stage will delay the issue of a faculty and could incur an additional fee.

The Faculty Jurisdiction Rules 2015 recommend that when submitting particulars of the proposed work to any such body, the parish should write to that body stating that a response to consultation will be taken into account provided that it is received within 28 days from the date of the letter.

N.B. The Notification of Advice is not authorisation to undertake the works proposed.

The Petition

The faculty, if granted, will authorise the works or proposals set out in the Schedule of the Petition (on page 2 of Form 3A) and described in the Notification of Advice. You should use the wording from the Notification of Advice when filling in this Schedule. You should also ensure that the same wording is used on the Public Notice (Form 4A).

The Chancellor will not grant a faculty unless he is sure that the funds will be available to complete the work. Please ensure that the questions under Section (C) 'Financial Information' have been completed as fully as possible.

You will see that the petition includes the Questions that you completed as part of your request for the formal advice of the DAC: section L should now be completed.

The Public Notice

It is the responsibility of the petitioners to display at least two copies of the Public Notice (more if the church is not a parish church), for a continuous period of not less than twenty eight days including at least one Sunday when the church is used for worship. These should be on a notice board or some other prominent place within the church and on a notice board outside the church or in some other prominent place so that it is readily visible to the public. Full directions for the display of the Public Notice are printed on page 2 of the notice. Please note that if changes to a church are proposed, **a copy of the petition (Form 3A) together with any designs, plans, photographs and other documents that were submitted with it**, must be displayed in the church or at another place where they may be conveniently inspected by the public. If there is any doubt or difficulty in complying with these requirements, you should consult the Registrar.

The Registrar has the power under the Rules to give further directions with regard to the display of the Public Notice should he consider it necessary.

The Registrar will also, when he receives the Petition, consider the form of the copy Public Notice to ascertain whether it adequately describes the work to be done in accordance with the petition. If he considers that the Public Notice is inadequate, he has the power to request the petitioners to amend the Public Notice and display it again. After the Public Notice has been displayed for the statutory period of twenty eight days it should be returned to the Registrar with the Certificate of Publication duly completed.

At the end of the period of Public Notice, the Certificate of Publication should be completed in full, dated and signed by one of the petitioners or the incumbent or priest-in-charge, and forwarded to the Registrar.

Issue of the Faculty

The petition will be submitted to the Chancellor while the Public Notice is being displayed but any objections will be referred to them at the end of the notice period. If the petition is then approved by the Chancellor, the Registrar will be in a position to issue the faculty.

Objections

If objections are received by the Registrar following the display of the Public Notice you will be informed and advised of the procedural steps that have to be taken.

The fees

The current statutory fee approved by the General Synod for 2019 is as follows:

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| Faculty | £296.20 (inc. VAT) |
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The fee should accompany the petition when it is sent to the Registrar, and cheques should be made payable to 'The Diocesan Registrar'.

The fees payable are determined in accordance with the Ecclesiastical Judges and Legal Officers (Fees) Order and are normally increased in January of each year. The Fees Order does permit additional fees to be paid depending upon how the application proceeds and the work involved.

If the additional fees are payable, the Registrar will submit a note of the balance of fees before the Faculty issues.

For a Faculty where it is for major works there is likely to be an additional fee, **especially if consultation as recommended on the Notification of Advice has not been undertaken.**

GLOSSARY OF TERMS

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| Chancellor | The chancellor of a diocese is an official appointed by a diocesan bishop, who exercises jurisdiction on behalf of the bishop. The Chancellor of the Diocese of Chichester is the Worshipful Mark Hill. |
| Public Notice | A notice displayed in a public place describing the works or proposals intended to be undertaken in order to give members of the public or of amenity societies a chance to object should they wish to. |
| Consistory Court | The court of the bishop of the diocese, which administers the ecclesiastical law. |
| Faculty | A licence or permission issued by the Chancellor or an Archdeacon on behalf of the bishop of the diocese through the Consistory Court to do something which could not lawfully be done otherwise. A faculty is required for any work to a consecrated building or land or to a building which has been put under the faculty jurisdiction by an order of the bishop. |
| Lay Rector | If there is a Lay Rector, he is probably responsible for the repair and maintenance of the chancel. |
| Petition | An application for a faculty. The petition is a legal document and must be signed by the Petitioners. |
| Petitioners | The persons applying for a faculty by means of a petition. In most cases, the Petitioners are the incumbent or priest-in-charge and the churchwardens. If there is no incumbent or priest-in-charge, it is advisable in some cases to ask the Rural Dean to act as a Petitioner. |
| Registrar | The official appointed by a diocesan bishop to act as his legal secretary and record all his official acts and issue necessary documents for official business. The diocesan records are in his charge. The Registrar is a solicitor and usually a notary public. The Registrar of the Diocese of Chichester is Mr Matthew Chinery at Winckworth Sherwood. Correspondence should be addressed to The Diocesan Registry, Minerva House, 5 Montague Close, London, SE1 9BB. |