
STATUTORY INSTRUMENTS

2022 No. 155

ECCLESIASTICAL LAW, ENGLAND

The Faculty Jurisdiction (Amendment) Rules 2022

<i>Made (approved by General Synod)</i>	- - - -	<i>9th February 2022</i>
<i>Laid before Parliament</i>		<i>23rd February 2022</i>
<i>Coming into force</i>	- -	<i>1st July 2022</i>

The Rule Committee, in exercise of the powers conferred by sections 77(1) to (7) and 83(1) and (2) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018⁽¹⁾, makes the following Rules:

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Faculty Jurisdiction (Amendment) Rules 2022.
- (2) These Rules come into force on 1st July 2022.
- (3) In these Rules, a reference to a numbered rule or Schedule is a reference to the rule or Schedule so numbered in the Faculty Jurisdiction Rules 2015⁽²⁾.

Requirement to have due regard to net zero guidance

- 2.—(1) In rule 2.2 (interpretation), in paragraph (1), at the appropriate place insert—
- ““net zero guidance” means guidance issued by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007⁽³⁾ on reducing carbon emissions;”
- (2) In rule 3.3 (undertaking List B matters without a faculty), after paragraph (1) insert—
- “(1A) If the proposal involves a matter to which net zero guidance applies, the proposal must include an explanation of how the applicants, in formulating the proposal, have had due regard to that guidance.”
- (3) In rule 4.2 (documents etc. to be submitted to Diocesan Advisory Committee), in paragraph (2), in sub-paragraph (b), after “the works or proposals” insert “including, in the case of matters to which net zero guidance applies, an explanation of how the intending applicants, in formulating the proposals, have had due regard to that guidance”.

(1) 2018 No. 3.

(2) S.I. 2015/1568. Relevant amendments have been made by the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 and S.I. 2019/1184.

(3) 2007 No. 1.

(4) In rule 4.9 (notification of Diocesan Advisory Committee’s final advice), after paragraph (7) insert—

“(7A) In the case of works or proposals involving matters to which net zero guidance applies, the Committee’s advice must include a statement of—

- (a) whether, in its opinion, the explanation under rule 4.2(2)(b) is adequate, and
- (b) if its opinion is that the explanation is not adequate, its reasons for that opinion.”

(5) In rule 5.5 (documents to accompany faculty petition), in paragraph (3), in sub-paragraph (e), after “works or other proposals” insert “including, in the case of matters to which net zero guidance applies, an explanation of how the petitioner, in formulating the proposals, has had due regard to that guidance”.

(6) In Schedule 1 (matters which may be undertaken without a faculty), after the text entitled “General notes” insert—

“Notes on net zero guidance

Those proposing to undertake a matter without a faculty should make themselves aware of net zero guidance (that is, guidance issued by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 on reducing carbon emissions).

Where a matter to which net zero guidance applies is included in List B, the proposal sent to the archdeacon must include an explanation of how the applicants, in formulating the proposal, have had due regard to that guidance.”

(7) In Schedule 3, in Form 2 (notification of Diocesan Advisory Committee’s final advice), before “In the opinion of the Committee the work or part of the work proposed is / is not likely to affect” insert—

“[The works or proposals involve matters to which net zero guidance applies (that is, guidance issued by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 on reducing carbon emissions). In the opinion of the Committee, your explanation of how, in formulating the works or proposals, you have had due regard to net zero guidance is / is not adequate [and the Committee’s reasons for the opinion that your explanation is not adequate are:]]”.

Consultation before starting faculty proceedings

3.—(1) In rule 4.1 (process for consultation), after paragraph (2) insert—

“(2A) The requirements under this Part to consult certain specified bodies do not prevent an intending applicant from consulting any other body or person.”

(2) In rule 4.7 (consultation: procedure), paragraph (4) is to be renumbered as paragraph (3), and after paragraph (3) insert—

“(4) Where a body which was not informed of consultation in accordance with paragraph (1) nevertheless responds to the consultation in question, the response need not be (but may be) taken into account, regardless of when it is received.

(5) Where consultation under rule 4.5 or 4.6 is sent by means of an online system, any response to that consultation must itself, so far as is practicable, be sent by means of that online system.”

(3) In rule 4.9 (notification of advice), in paragraph (8)—

(a) after “must state” insert—

“(a),
and

(b) after sub-paragraph (a) insert—

“(b) if any other body or person has been consulted, the name of that body or person.”

Changes to Lists A and B

4. The Schedule (which makes changes to Lists A and B) has effect.

Minor amendments

5.—(1) In rule 2.2 (interpretation), at the appropriate place insert each of the following—

““conservation area” means a conservation area designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990;”;

““Historic Buildings & Places” means the Ancient Monuments Society (the working name of which is “Historic Buildings & Places”);”.

(2) In rule 3.1(7) (matters not requiring a faculty: interpretation), before “national accreditation body” insert “UK”.

(3) In rule 9.3 (special notice to Historic England etc.), in paragraph (1), for “Schedule 2” substitute “rule 4.5”.

(4) In rule 12.2 (evidence given orally), in paragraph (1), omit “subject to rule 12.3,”.

(5) In Schedule 1 (matters which may be undertaken without a faculty), in each of the following places, for “Advertisement” substitute “Advertisements (England)”—

(a) in Table 1, in List A, in matter A7, in paragraph (6), in the second column, and

(b) in Table 2, in List B, in matter B6, in paragraph (4), in the second column.

(6) In Schedule 3 (forms), in Form 2 (notification of Diocesan Advisory Committee’s final advice), after “At a meeting of the Diocesan Advisory Committee held on” insert “[or In the exercise of the delegated authority of the Diocesan Advisory Committee on]”.

(7) In that Schedule, in each of the following places, for “The Ancient Monument Society” substitute “Historic Buildings & Places”—

(a) in Form 3A (petition), in section F (consultation on works to listed church), and

(b) in Form 3B (petition), in section E (consultation on works to listed building).

Transitional provisions

6.—(1) The amendment made to rule 3.3 (undertaking List B matters without a faculty) by rule 2(2) of these Rules does not apply in a case where the archdeacon has sought advice under rule 3.2(2) before 1st July 2022.

(2) The amendments made to rules 4.2 and 4.9 (consultation with Diocesan Advisory Committee etc.) by rule 2(3) and (4) of these Rules do not apply to works or proposals in respect of which intending applicants have sought the advice of the Diocesan Advisory Committee under Part 4 of the Faculty Jurisdiction Rules 2015 before 1st July 2022.

(3) The amendment made to rule 5.5 (documents to accompany faculty petition) by rule 2(5) of these Rules does not apply to proceedings in a consistory court begun before 1st July 2022.

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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These Rules were approved by the General Synod on 9th February 2022

A.S. McGregor
Registrar of the General Synod

SCHEDULE

Rule 4

CHANGES TO LISTS A AND B

PART 1

PRELIMINARY

Preliminary

1.—(1) Schedule 1 (matters which may be undertaken without a faculty) is amended as set out in this Schedule.

(2) In this Schedule—

“List A” means List A in Table 1 in Schedule 1 (matters which may be undertaken without consultation), and

“List B” means List B in Table 2 in Schedule 1 (matters which may be undertaken subject to consultation etc.).

PART 2

ENVIRONMENTAL MATTERS

Draught proofing

2. In matter A1 in List A (church building etc.), after paragraph (4) insert—

“(4A) Draught proofing an external door or window	The works do not affect the overall appearance or operation of the door or window and do not involve the replacement of a component”.
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Insulating heating pipes

3. In matter A1 in List A (church building etc.), in paragraph (6) (maintenance and repair works) in sub-paragraph (a), in the first column, after “the replacement of control equipment” insert “and the insulation of pipes in the boiler room and ancillary service areas”.

Low-energy lighting

4.—(1) In matter A1 in List A (church building etc.), in paragraph (6) (maintenance and repair works), for sub-paragraph (c) substitute—

“(c) lighting installations, other electrical installations and other electrical equipment (but not the replacement of light fittings, and see matter B1(8)(b) in List B as to fittings for low-energy lamps)”.

(2) In matter B1 in List B (church building), in paragraph (8) (extension of existing lighting system)—

(a) the existing text in the first column becomes sub-paragraph (a), and