

## IN THE CONSISTORY COURT OF THE DIOCESE OF YORK

### PRACTICE DIRECTION [2020] No. 1 (as further amended on 25<sup>th</sup> January 2021)

#### Faculty Petitions and Public Notice

##### Context

With the current requirement that individuals who live in the Tier 4 area may not leave the place where they are living without reasonable excuse, the allocation of all areas of England to Tier 4, and the decision taken by many churches to suspend public worship, it is again impracticable to comply fully with the conditions for public notice under the Faculty Jurisdiction Rules 2015.

The CBC has offered Guidance about doing work on churches in the current circumstances and it will be necessary to ensure that that guidance is complied with.

In relation to faculty petitions which have been recommended by the DAC and have reached the Public Notice stage there are 4 different situations in the context of the current pandemic:

#### **1. Matters that are generally not controversial**

If a matter is listed in the Schedule appended to this Amended Practice Direction, Rule 6 of the FJR will apply and Public Notices should be posted in the normal way. Additionally petitioners are encouraged to ensure that any proposals for a faculty are brought to the attention of both their regular worshippers using parish church websites and other such means they use to communicate and also their local community using whatever electronic or other ways of communication that may be available.

It will be necessary to give careful thought as to how people will be able to be given access to examine the proposals including any plans and drawings. That may be possible electronically, but any face to face meeting to show the plans will need to be in accordance with any required social distancing.

#### **2. Matters where public notice has already been given.**

These are cases where the giving of public notice had commenced before 6<sup>th</sup> January 2021

**I NOW DIRECT** that in such cases, any notices that have been posted are now suspended, that the number of days prior to Wednesday the 6<sup>th</sup> January 2021 will count towards the 28 days required and that time will recommence on the day following both the commencement of public worship at the church in question (if public worship had been

suspended), and also the resumption of general freedom of movement, and if they be different then the later in time.

### **3. Fresh matters**

These are cases where the giving of public notice has not yet commenced.

**I NOW DIRECT** that in such cases, the 28 days required cannot commence until the day following both the opening of the church in question to the public for worship and that time will recommence on the day following both the recommencement of public worship at the church in question (if public worship had been suspended), and also the resumption of general freedom of movement, and if they be different then the later in time.

### **4. Urgent matters**

In cases where there is an urgent requirement for work to commence under faculty, petitioners can apply to me to dispense with the giving of public notice under Rule 6.7(2)(a).

Any such application must set out not only why the work is urgent but also whether the petitioners are aware of any objections that have been raised or potential objections that are likely to be raised to their proposals either by church 'members' or by local residents or by any other body.

Any such application should be submitted to the Registrar at [Louise.Connacher@luptonfawcett.law](mailto:Louise.Connacher@luptonfawcett.law) and copied to the Secretary to the DAC at [catherine.copp@yorkdiocese.org](mailto:catherine.copp@yorkdiocese.org)

HH Canon Peter Collier QC  
Diocesan Chancellor

27<sup>th</sup> March 2020  
Amended 1<sup>st</sup> June 2020  
Amended 10<sup>th</sup> November 2020  
Amended 25<sup>th</sup> January 2021

## **Schedule 1\***

Subject to the item not falling within Schedule 2:

- (i) works of repair
- (ii) works to clocks
- (iii) works to bells and bell frames (excluding re-tuning, recasting, augmentation or the introduction of a new bell frame)
- (iv) electrical system works (excluding major new lighting schemes)
- (v) heating system works
- (vi) 'laying up' of a flag or standard
- (vii) introduction of Incumbents Board in church
- (viii) pipe organ repairs
- (ix) introduction or disposal of an electronic organ
- (x) introduction of new altar plate
- (xi) introduction of altar frontals, pulpit falls
- (xii) telecoms/broadband installation
- (xiii) disposal of freestanding furniture not covered by List B (excluding historic furniture)
- (xiv) introduction of safes, letterboxes
- (xv) felling of a living, healthy tree
- (xvi) introduction of a storage shed in a churchyard
- (xvii) introduction of an interpretation board in a churchyard
- (xviii) setting aside an area for the burial of cremated remains
- (xix) laying down, repairing or re-erecting headstones in a churchyard (excluding works to table top tombs)
- (xx) water and/or drainage works in a churchyard

## **Schedule 2**

- (i) Repairs and alterations (structural or liturgical) which affect the character of the building, whether it is listed or not
- (ii) Any proposal which necessitates consultation under Rules 4.5, 4.6 or 9.6 of the Faculty Jurisdiction Rules 2015 (as amended)
- (iii) Major new lighting schemes
- (iv) Works to table top tombs

**\*York DAC - Delegated Authority Policy dated 15<sup>th</sup> April 2020**