

Diocese of Derby DAC

REVISED FACULTY JURISDICTION RULES AND CHANGES TO THE ONLINE FACULTY SYSTEM

Revised Faculty Jurisdiction Rules will come into legal effect on 1st April 2020.

Some of the more significant changes that will impact on parishes are:

Lists A and B

There is a significant increase in the range of items that can be undertaken under Lists A (simply record the works on the Online Faculty System) and List B (where an Archdeacon can authorise the works). This will lead to a reduction in the number of applications where a full faculty is needed.

A link to the revised Lists A and B is given here:

<http://www.legislation.gov.uk/uksi/2019/1184/article/20/made>

Consultation with External Bodies (Historic England, Amenity Societies etc).

The intention is to ensure that consultation with these bodies is carried out as early in the process as possible so as to avoid any undue delay later in the process.

The previous 28-day period for receipt of responses to consultation has been extended to 42 days: this is in recognition that the previous period was too short for bodies to be able to respond properly. Responses were often received after the 28-day period leading to delay and inconvenience at a very late stage in the process.

The consequence of this is that a Notification of Advice may not be issued until all the required response have been received or the 42-day period has expired if later. After the end of the 42-day period if any of the bodies consulted have not responded then they are deemed to be “out of time”. It is recognised that this may appear to delay matters, but it is hoped the benefit will be greater clarity and certainty.

At present, some consultation responses where the change is relatively minor or uncontentious are well within the current 28 days period and it is expected that this will continue.

Archdeacons' Licences

The maximum period for a temporary minor re-ordering for which an Archdeacon may give a Licence will be extended to 24 months (from 15 months).

Online Faculty System

There are various changes to the detail, most of which will become apparent as an application is completed.

One notable addition is in the introduction of a “DAC Initial Review” stage near the start of a full faculty application where specific guidance and advice can be given before parishes expend a lot of effort in completing the whole application. This is designed to save parishes any unnecessary work.

There are also changes to consultations as outlined above and in the display of Public Notices. For example, it will no longer be necessary to send a signed paper copy to certify that the Notice has been displayed – this can be done electronically.

There are too many changes to be able to detail them all in a short note such as this.

As always advice and guidance is available from the DAC office in Church House.

e-mail: dac@derby.anglican.org or telephone Nigel Sherratt on 01332 388683 or Sarah Legg (usual working days Monday and Tuesday) on 01332 388657.