

Minor Matters

General advice and practice in the Diocese of St Albans

The Faculty Jurisdiction (Amendment) Rules 2019 (“the Rules”) amend and extend the scope of works which may be undertaken without a faculty. They provide national Lists A and B of Minor Works. List A sets out very minor matters which may be undertaken without any formal permission or consultation, subject to any conditions which are specified. List B sets out relatively minor matters relating to churches and churchyards which may be undertaken on the written authority of the Archdeacon, following such consultation with the DAC as the Archdeacon considers appropriate.

The practice in the Diocese of St Albans is for applications which may lead to a List B permission to be made in the first instance to the DAC Secretary, if possible by means of the diocesan on-line portal. The DAC Secretary will consult relevant members of the DAC and provide advice to the applicant and the Archdeacon, including a request for the Archdeacon to issue written authority (a List B permission) where the works may be recommended subject to any general or specific conditions. Full directions are below.

The Chancellor has issued *Additional Matters Orders* covering some categories of work not covered by the national List B provisions. These are available on the diocesan website with the national Minor Matters Lists and other advice on church buildings and churchyards.

Matters not covered by List B or an Additional Matters Order may be covered by List A. If not, a Faculty will be required. However, the Rules provide that application may be made to the Chancellor for directions as to matters not included in List A or List B that are of such a minor nature that they may be undertaken without a faculty.

The Chancellor may also make an Order that certain types of minor repairs or alterations to a specified church always require a faculty; this is likely only to apply in a small number of cases where a church is designed and/or built as a cohesive whole. The Order will be sent to the incumbent and churchwardens of any parish so affected and published on the diocesan website.

Urgent Matters

There is an established process in the Diocese for dealing with very urgent matters (e.g. for safety reasons). Where such matters are not covered within Lists A and B or the timescale does not allow, the applicant should contact the DAC Secretary with as much information as possible about the circumstances and the work that is required. The Secretary will seek immediate advice from relevant DAC members and provide a briefing to the Chancellor, via the Diocesan Registry, with a request for the Chancellor to issue directions. The Chancellor’s directions may include the grant of an Interim Faculty to allow the work to proceed immediately, subject to any conditions.

GENERAL EXCLUSIONS

The Rules provide that if any of the following exclusions applies, the works will require a faculty even if included generally in List A or List B.

- 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
- works which are likely to affect the archaeological importance of a building or any archaeological remains within a building or its curtilage
- works for all or part of which scheduled monument consent is required under the Ancient Monuments and Archaeological Areas Act 1979
- works which involve the extension, demolition or partial demolition of a building or the erection of a new building
- a matter which gives rise to a question of law or doctrine, ritual or ceremonial or which would, if undertaken, affect the legal rights of any person

- the exhumation or other disturbance of human remains
- the reservation of a grave space
- the sale or other disposal of an article of architectural, archaeological, artistic or historic interest
- the sale of any book remaining in or belonging to a parochial library
- the introduction of an aumbry or another receptacle used for the reservation of the sacrament of Holy Communion
- 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.

Advice may be sought from the Diocesan Advisory Committee as to whether material is historic material or whether an article is of architectural, archaeological, artistic or historic interest.

CONDITIONS AND PROCEDURES

Diocesan Practice:

Before undertaking any of the items in List B, the following conditions must be fulfilled:

- i. Any application made under these provisions must be an “authorised person” acting on behalf of the minister and churchwardens of the parish concerned.
- ii. The applicants should send to the Secretary of the DAC:
 - a) Full details, particulars, specifications and cost (with breakdown where relevant) of the items or works proposed, together with copies of all relevant and appropriate expert reports,
 - b) A copy of the resolution of the PCC certified as a true copy by the PCC secretary or chair authorising the proposal, together with the voting figures,
 - c) Written assurance that there is no reason to suppose the proposals would be opposed by a significant body of opinion in the Parish,
 - d) Written assurance that the work has not yet commenced or the proposals implemented, and
 - e) For items in this List which state that the PCC’s insurers should be notified, a written or e-mail response from the church’s insurers;
- iii. If, in the view of the DAC, the proposals are of a minor nature, the Secretary of the DAC will refer the proposals, together with the written advice of the DAC, to the Archdeacon for his or her approval. If the Archdeacon approves, he or she shall issue a Letter of Authority to the applicants (via the DAC office) and copies of the Letter shall be lodged with and retained by the Secretary of the DAC and also with the Registrar for formal recording;
- ii. The Archdeacon may (after considering any recommendations and advice of the DAC) impose such conditions as he or she may consider reasonable and appropriate, but shall not grant permission where work has already commenced or the proposals implemented;
- iii. Subject as below, the applicants may then, having received the Letter of Authority, proceed to implement the proposals in accordance with any conditions imposed;
- iv. If either the Archdeacon or the DAC consider that the proposals require the authority of a Faculty (for example because of the importance of the church building or the scale of the proposals) then the applicants shall be so informed (and the necessary documents forwarded to them) so that the applicants may, if they so wish, present a petition for the grant of a Faculty for the proposed works in the usual way.