FACULTY JURISDICTION RULES 2015 (as amended)

Part 15: Application for an Interim Faculty

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|  |  | **To the Consistory Court of the Diocese of Lichfield** | Please write your answers in THIS COLUMN:  Where possible please answer ‘yes’ or ‘no’ by deleting the inapplicable  Where you are asked to supply documents, please confirm in this column what documents have been supplied |
|  |  | Church of: |  |
|  |  | In the parish of: |  |
|  |  | **Applicant: (normally the incumbent or a churchwarden)** |  |
|  |  | **Full name and Address,**  **email details**  **telephone number**  **office held** |  |

An interim faculty allows works normally requiring a faculty to be undertaken without waiting for the full procedures of the Faculty Jurisdiction Rules to be applied. It is usually only granted where there is insufficient time available for those processes to be followed. It is available only in an emergency where the works proposed are unavoidable and the works proposed are the minimum necessary to prevent a situation from worsening. It is not designed to ‘speed up’ or bypass the faculty process. Favourable consideration is more likely if it is clear that the works have been thought through and not rushed. Conversely if the interests of parishioners, the general public, or amenity bodies would be prejudiced by work being carried out before full consideration of potential objection, an Interim Faculty is unlikely to be granted. In such circumstances where an interim faculty is granted, the conditions applied may mean that the applicants are placed at financial risk.

If the interim faculty is granted, then conditions (set out below) will be imposed requiring that a formal Petition is lodged within a limited period (usually to expire a few days before the next Diocesan Advisory Committee meeting deadline).

Whether or not there are objections, or representations, the grant of an Interim Faculty is without prejudice to any decision that the Chancellor of the Diocese may make on the Petition and should not be taken as an indication that a final Faculty will be ordered. If a final Faculty is not ordered,or is granted for a different level of work than is authorised under the Interim Faculty, then the Chancellor may direct that the applicants/petitioners restore the situation in some appropriate way. Such a direction may require work to be done at the applicants’ own expense. (It is for the applicants and petitioners to decide whether to proceed with their application for an Interim Faculty, and as to what assurances to request from the PCC as to the expenses involved in any restoration work).

For these reasons applications should only be made after careful consideration and with as wide a level of consultation as is practicable with the public and any amenity bodies so as to take account of all potential objections and representations. It is sometimes the case that consultation produces a sensible alternative approach that may minimise the potential for an expensive restoration direction.

In cases of genuine emergency an interim faculty can be granted very quickly. In such cases, those seeking an interim faculty should provide as much of the information as possible. If there is a genuine emergency, it is important that the incumbent or churchwardens consult the Archdeacon or the Registrar as soon as practicably possible.

The Chancellor recognises that there will be some cases of dire emergency when there is no alternative but to carry out work, sometimes without even waiting for an Interim Faculty to be granted. In such circumstances the Court will do all it can, within the law, to assist applicants who are genuinely protecting church buildings in an appropriate manner, and who act out of necessity even without formal authority. Such situations are likely to be obvious. For example, if a roof collapse occurs at a weekend, the incumbent, churchwardens and PCC will have an obligation to make the church safe and wind and watertight, and are acting out of necessity in honouring that obligation before contacting the Registry. The Court will seek to give protection to those who act in such a way. However, the emergency works in such a case are unlikely to extend to making a permanent or semi-permanent repair which might impact on the structure, fabric or appearance of the building.

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| 1 |  | **We apply to the Court for an Interim Faculty to authorise the following-** |  |
|  |  | **Schedule of works or proposals:** |  |
|  | a) | *Please fully and accurately state the works or other proposals for which an interim faculty is sought. Where relevant, include the number and date on the architect’s or surveyor’s drawings or other specifications. Any drawings, plans, specifications, photographs or other documents showing the proposals must be provided with this application.* |  |
|  | b) | *Please complete and provide the*   * *Standard Information Form (Form 1A) and* * *if the building is listed, a statement of significance and needs*   *Please confirm what documents are attached.* |  |
|  | c) | *Reasons for urgency: please set out here or on a separate document the justification for the works. This should explain*   * *why the work is necessary* * *when it became clear that work would be required* * *what steps have been taken to bring the matter to the Court expeditiously* * *why it is necessary for the work to be carried out without a formal Petition, consultation and public notice* * *what professional advice has been sought, e.g. architects* * *what efforts have been made to consult with amenity bodies, and the public* * *what problems would arise if the work was delayed until a full formal Faculty could be considered* |  |

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| 2 |  | **PCC Resolution** |  |
|  |  | *A PCC resolution is not essential but is desirable where time permits*  *Please complete this section, deleting words as appropriate, in every case.*  *If the PCC has not passed a resolution, please put a line through the box that asks for details of the resolution, but provide details of the reasons for not approaching the PCC.* | The Parochial Church Council at its meeting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ passed unanimously/without dissent by a majority of ­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_ among those present and voting a resolution relating to the works or proposals. A copy of the resolution signed by the chair/secretary is included with this petition. There are \_\_\_\_\_\_\_\_\_\_ members of the council. |

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| 3 |  | **Consultation** |  |
|  | a) | Has the PCC consulted the DAC? | Yes/No |
|  | b) | Has the PCC consulted any other amenity body or adviser? | Yes/No |
|  |  | *Please provide evidence of any correspondence if you have answered ‘yes’ to any of the above. If you have answered ‘no’, the Chancellor may direct that consultation with the DAC take place unless you provide an explanation* |  |

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| 4 |  | **Conditions** |
|  |  | I confirm that the applicants have read and understood the conditions that apply to Interim Faculties and accept that additional conditions (to the ones listed below) may be applied, depending on the schedule of works set out by us, the applicants: |
|  |  | 1. The Applicants shall on or by the date specified on the Interim Faculty, submit a petition to the Registry of this Court (together with designs, plans, photographs or other documents), requesting a Faculty authorising the works or other proposals specified in the Schedule hereto; 2. The Applicants shall comply (within such time as is specified by the Court) with any direction which the Court may make ordering the alteration or removal of any works now authorised or to requiring the taking of any step to restore the building or land to the condition in which it stood prior to the works now authorised should it appear to the Court that it is necessary so to order; 3. The Applicants/Petitioners shall comply with any condition subject to which any Faculty is decreed in their Petition; 4. The Applicants/Petitioners shall not withdraw or seek to withdraw the Petition; 5. The Applicants/Petitioners shall proceed diligently with the conduct of the Petition including seeking advice or consultation with any party as shall be directed by the Court. |
|  |  | Name: |
|  |  | Signature\*: |
|  |  | Date: |

\*signatures can be typed.

**When you have completed this form** please forward your completed interim faculty form and documents to the Registry via email to [rosie.nightingale@fbcmb.co.uk](mailto:rosie.nightingale@fbcmb.co.uk)

Please note a full faculty via the OFS will be required to uphold the interim in due course, but if you have started a full faculty on the OFS already, then that same application can be continued after the interim has been granted.

In cases of urgency, the Registry aims to have requests for Interim Faculties turned round within 48 hours. In cases of genuine emergency interim faculties can be granted very quickly (potentially in less than one hour) but it is essential that those who believe that they are faced with an emergency contact the Archdeacon or the Registry at as early stage as possible.

It may be, however, that the Chancellor will require advice from the DAC or any amenity body before making a decision as to the Interim Faculty application. In such a case there may be delay whilst that advice is taken.