

## GUIDANCE AS TO FACULTY PETITIONS DURING THE COVID-19 EMERGENCY

The rules require that notice of a petition for a faculty be posted (i) within the church and (ii) on a prominent position outside the church: the point being that all those who might be interested in the works proposed will get to hear about them. The effect of the lock down has been that no-one has been able to see a notice posted within a church and only a limited number of people have been able to see a notice posted outside. It is thus possible that someone who might want to object to a petition might not become aware of it within the 28 day period during which notices are posted.

In these circumstances, at the beginning of the lock down I gave the following guidance:

*If public notices of a faculty petition were on display (in accordance with rule 6.3 of the Faculty Jurisdiction Rules 2015) at the time that parish churches were required by the Bishop to be closed (Sunday 22 March) in response to the COVID-19 pandemic, it is recommended that the notices should continue to be displayed for an appropriate additional period after the 'lockdown' ends (so that the notices will have been on display for not less than 28 days in total, at a time when they will have been accessible to the public).*

*As regards notices in respect of new petitions, it is recommended that they be not displayed until after the 'lockdown' has ended.*

I have dealt with urgent cases by the grant, as appropriate, of interim faculties.

It has now become apparent that, although the lock down has been eased, life will not return to normal for some time. More particularly, for the moment, churches remain shut for public worship. However, it may now be possible for works to be carried out in churches in the light of the fact that the construction industry is back at work. More generally, churches will not want to put projects "on hold" until after the lock down has ended. Even if they do not start the works during the lock down, they will wish to do so as soon as possible after it has ended.

Further, the easing of the lock down will mean that more people will be able to see a notice posted outside a church and, potentially, within a church.

Finally, I have noted that a similar issue as arises in connection with faculties also arises in connection with planning applications. In this case, the Government has changed the requirements for publicity so that applications may be publicised via the internet and social media<sup>1</sup>.

I consider that, in these circumstances, faculties may be granted in appropriate cases where, although the rules have been complied with, the position will be that some people may not have seen those notices because of the lock down.

For the future, I consider that it will be appropriate additionally for notice of petitions to be posted on the parish's website. The notice will preferably appear on the home page. It should also be posted on the "A church near you" website<sup>2</sup>, if the parish maintains an entry on this facility. The minimum requirement as regards the website is for the notice to appear on either the parish's website or the "A church near you" website<sup>3</sup>.

Parishes which have social media accounts should consider using them.

---

<sup>1</sup> This is being done by changing the rules governing planning applications. The Church cannot in practice in the current situation change the rules relating to faculty petitions. This Guidance addresses the issue by making provision for publicity **additional** to that which is required by the Faculty Jurisdiction Rules.

<sup>2</sup> This is a website provided by the Archbishops' Council.

<sup>3</sup> Accordingly a parish which has neither a website nor an entry on the "A church near you" website will either have to institute such a website or edit their entry on the "A church near you" website.

Notice of a petition for a faculty should also be included on a list of petitions which will be maintained on the Diocesan website. To enable this to happen, parishes should contact the DAC Secretary<sup>4</sup>.

Notice should be given by e mail to those on the electoral roll of the church for whom the church holds electronic addresses. Such notification should encourage those receiving the e mail to inform others who may not be on e mail (and who they think would be interested)<sup>5</sup>.

Notice should also be given to the ward councillors and to any local amenity society.

Notices should still be posted in accordance with the rules (i.e. on a noticeboard inside the church<sup>6</sup> and in a prominent position outside the church).

The notice given should give details that will enable the petition and supporting documentation to be viewed electronically. This may conveniently be achieved by giving details of how to access the on line faculty system. Since April, this has had a “Public Notices” web page<sup>7</sup>.

It is possible that these measures may achieve a greater awareness of a petition than would otherwise be the case.

When the 28 day notice period has expired, the Diocesan Registry should be sent a statement by one of the petitioners setting out what steps have been taken to publicise the petition.

I will consider each case on its merits but, if the steps outlined above have been taken, I am likely to take the view that there is no impediment to the grant of a faculty based on a concern that the petition has not received sufficient publicity.

There can be no guarantee that there will not be someone who does not become aware of a petition because of the lock down despite the measures set out above, and who wishes to object. He or she might seek to set aside a faculty that has been granted of which he or she was ignorant, or even to challenge its lawfulness. I do not think that, because this possibility cannot be ruled out, it would be appropriate to defer the grant of new faculties until the lock down has completely ended.

There will come a time, hopefully soon, when the sorts of special measures set out above will no longer be necessary. I will keep the situation under review and will give further guidance as appropriate in due course.

The measures outlined above will not deal with all the issues raised by the lockdown. I have in mind, in particular, that there may be difficulties in visiting the church for those who might need to do so to make an assessment (eg the DAC, Historic England, the local planning authority, the amenity societies and the Chancellor). It will be possible to address particular issues on a case by case basis.

PHILIP PETCHEY

Chancellor

27 May 2020

---

<sup>4</sup> The entry will be retained on the list for a period of 28 days.

<sup>5</sup> They could do this by phone. Parishes should also consider notifying those on the electoral roll by post where they do not hold electronic addresses for them.

<sup>6</sup> If the position is that no-one is at present entering into the church building, I am likely to dispense with the requirement that a notice is posted inside the church.

<sup>7</sup> In respect of on line petitions that were initiated before 1 April, parishes should contact the DAC Secretary.