

Ely Diocesan Registry



Churchwarden Training

16th September 2023

Susan Black
Registry Clerk

The Diocesan Registry

Office of the Legal Adviser to the Diocesan Bishop

- Diocesan Registrar - Howard Dellar
- Registry Clerk - Susan Black - initial point of contact for the day-to-day work of the Registry
- Chief Clerk – Neil Turpin

What does the Diocesan Registry do?

- Legal documentation
- Faculties
- Clergy appointment documentation
- Enquiries from clergy, parish officers and the general public
- Diocesan records
- Common Marriage Licences;
- Patronage Register



CHURCHWARDENS LEGAL DUTIES AND RESPONSIBILITIES

THE CHURCH LOG BOOK

CHURCH _____
PARISH _____
DEANERY _____
ARCHDEACONRY _____
DIOCESE _____
DATE _____

A COMPREHENSIVE RECORD

of all alterations, additions, removals or repairs to the fabric, fixtures and fittings of the church and churchyard, during five quinquennial periods

Published for the Church Buildings Council
by Church House Publishing,
Church House, Great Smith Street, London SW1P 3AZ

CHURCH PROPERTY REGISTER

CHURCH _____
PARISH _____
DEANERY _____
ARCHDEACONRY _____
DIOCESE _____
DATE _____

TERRIER & INVENTORY

Published for the Church Buildings Council
by Church House Publishing,
Church House, Great Smith Street, London SW1P 3AZ

Duties of a Churchwarden

- Canon F13(4) – To maintain records:
 - **The Logbook** – records everything *done to* the church (alterations, additions, repairs)
 - **The Terrier** – records all property or land *owned by* the PCC (halls, curates houses etc)
 - **The Inventory** – a record of all *movables in* the church (vestments, altar frontals, plate, ornaments, furniture etc: i.e. What the churchwardens “own”)
 - Terrier and Inventory comprise “Church Property Register”



FACULTIES

Faculty Jurisdiction

*Faculty Jurisdiction Rules 2015
(As amended 2019 and 2022)*

Applies to every parish church, every churchyard and 'article appertaining to it'

Applies to most buildings licensed for worship

Ecclesiastical Exemption: no Listed Building Consent required.

Churchwarden Duties

- Faculties
- Canon F13(3)
 - ..Duty of the minister and churchwardens...to obtain the faculty or licence ... ***before*** proceeding
 - Incumbent and churchwardens are normally the petitioners for a faculty

Making Plans

- PCC - responsible for the care and maintenance of the church & churchyard
- PCC may decide to make a repair or alteration, BUT
- The Chancellor has final control over the church, contents and land on behalf of Bishop
- Finance – plan, consider phasing?

A PCC does not decide what it WILL do,
but rather,
what it will seek PERMISSION to do

All Works in buildings under Faculty Jurisdiction need permission, so the question is -

What type of permission do we need?

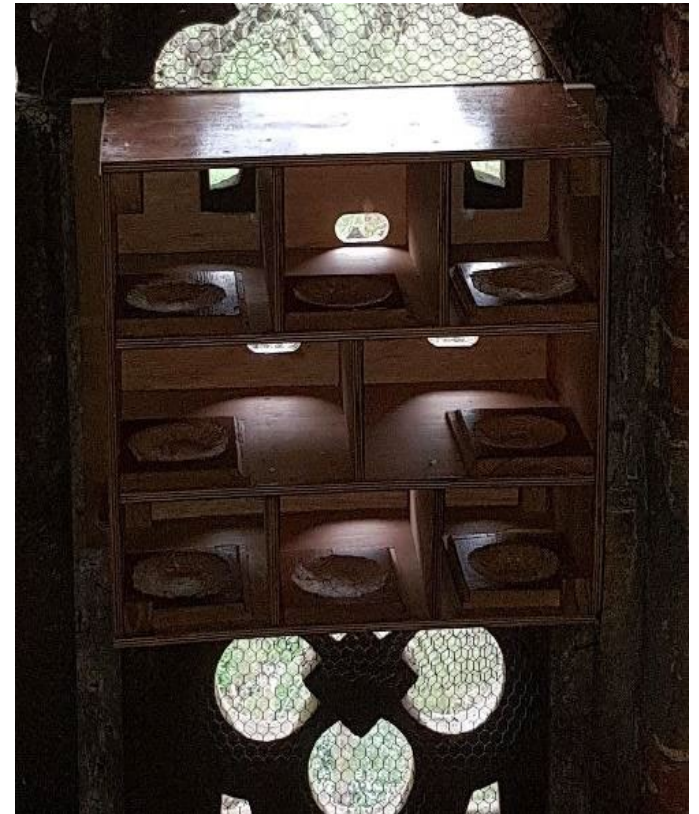
List of matters not requiring a faculty (Lists A & B) **Contact DAC**

- List A: matters which may be undertaken **without the need for consultation**
- List B: matters which may be undertaken **subject to consultation etc**
 - Archdeacon must give notice in writing that the work may be carried out without faculty
 - **Retain copy consent** in parish records

List A



List B



Archdeacon's Licences for Temporary Reordering

- **Temporary minor** reordering (to try something out)
- Period cannot exceed **24 months**
- **The scheme must be wholly reversible**
- There must be:
 - No material interference with or alteration to fabric
 - No electrical works
 - No disposal
 - Any article removed must be stored safely and easily reinstated
- **Faculty required to make the change permanent**

Additional Matters Orders

- Trial holes in churchyards (in preparation for a faculty petition)
- Installation of Broadband in churches (re associated works in churchyards)
- Replacement high level wall heaters
(Order in preparation)

Certificate of Practical Completion (😊)



Extension



Issue



Decision



Public Notice



Petition



Further Consultations – HE, Vic Soc, SPAB

PROCESS

Making Plans (Start)



Consultation



PCC Resolution



Statements of
Significance and Needs



DAC Consultation ↓

PCC Resolution

- *“The PCC requests the minister and churchwardens to apply for a faculty to do such and such a piece of work according to the specification supplied by X”*
- This must accompany the petition (PDF uploaded onto OFS (Online Faculty System))
- The copy of the Resolution must be signed (by hand) by the Chair of the PCC or the PCC Secretary

What type of church?

- Parish Church? Daughter church?
- Implications for Public Notice requirements





Signatures

PCC Resolution

Public Notice Certificate

Certificate of Completion

Online Faculty System (OFS)

Don't forget to press

'SUBMIT' !!

What happens when...

- Someone objects?
 - Anyone with an interest can object
 - Parishioners, anyone on the church electoral roll
 - The local planning authority
 - Historic England and the National Amenity Societies
 - The parish will have the opportunity to respond
 - Chancellor decides whether to grant or not:
 - By negotiating an agreement;
 - By written representations; or
 - At a full Consistory Court hearing
- Parish may need to pay legal Court costs

What happens when...

- We forget to apply for a faculty?
- There is a delay in carrying out the works?



What happens when...

- **There is an emergency?**
 - The Chancellor may give permission (an **Interim Faculty**) for works to proceed to protect the church
 - You should contact the Archdeacon and DAC in the first instance and discuss it with them.
 - A full faculty application must usually follow



CHURCH OF ENGLAND CHURCHYARDS



Gravespace Reservations / Exhumations

Two specific types of 'Faculty'

Application forms are available
from the

Diocesan Registry website
(Not Online Faculty System)

Chancellor Practice Direction - guidance

Churchyards



Memorials

- Churchyard Regulations
- Permission must always be sought before a memorial is erected.
- Incumbent permission, or a faculty (imaginative designs)
- Manage expectations
- Right of burial \neq right to erect memorial

Flowers & Memorabilia

- Churchyard Regulations or parish approved scheme

Churchyard Maintenance

- Is the responsibility of the PCC

UNLESS

The churchyard is legally closed for burials
and

the responsibility for maintenance has been
formally passed to the local authority.

(But, even then, PCC remains an 'occupier')

Do you know if your churchyard is open or
closed?

Closed Churchyards

- No burials are permitted (full or ashes)

UNLESS

Specific permission was included in the Closure Order.

A faculty has been obtained for burial of cremated remains in an existing family plot.

A Garden of Remembrance exists (set up by faculty)

Closing a Churchyard

The churchyard - full, with no available space.

Order in Council required – via Ministry of Justice.

Once it is formally closed there is no reversal.

Consider - *Will your successors wish to re-use the churchyard sometime in the future?*

Consecrating New Churchyards

Registry prepares documentation for Bishop

Documentation required

- Land Registry Title document
- Planning permission
- Details of area to be consecrated – dimensions, location
- Full names of Incumbent and Churchwardens

Thank you !

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