



## Diocese of Chelmsford

### Application for an Interim Faculty

#### What is an Interim Faculty?

1. An application may be made to the Chancellor for an Interim Faculty to enable works to be put in hand before a Faculty has been issued.
2. An Interim Faculty authorises works to be done before the DAC has been formally consulted and given its advice, and before Public Notice has been displayed. However, it is still necessary to obtain a confirmatory faculty in relation to the work.

#### In what circumstances is an application for an Interim Faculty appropriate?

3. An Interim Faculty will usually only be granted where there is a genuinely urgent need, for example a serious risk of damage to the fabric of the building or risk of injury to people.
4. An application for an Interim Faculty should normally only be made for emergency repair work where for example the following circumstances apply:-
  - risk of personal injury (e.g. precarious brickwork or stonework, structural instability following fire),
  - risk of ingress or water penetration to a degree which is more than likely to cause serious damage to the fabric of the building or its contents (e.g. following storm or wind damage or theft of roof coverings or other criminal damage or vandalism),
  - subsidence which puts fabric (e.g. stained glass) in immediate danger,
  - the theft of lead or copper roof covering and/or lead flashings where the church building may be left vulnerable to further damage by wind or water ingress.
5. In addition, in cases where grant funding is available and there is a short deadline in which to make an application, which requires evidence of a Faculty, the Chancellor may consider granting an Interim Faculty for the overriding proposal. This will only apply in cases where there is not enough time to make a normal Faculty application, and where there is a serious risk that grant funding that would otherwise be available will be lost.
6. It is not appropriate to make an application for an Interim Faculty for works or proposals where there is some urgency but the fabric or members of the general public are not seriously and immediately at risk or where a deadline is fast approaching and there has been a failure to petition for a Faculty in the normal way. Obviously an application for an Interim Faculty should not be used as a means of short circuiting proper faculty procedures. Were Interim Faculties to be granted in other than exceptional cases, there is a serious risk that the Faculty Jurisdiction might be open to challenge, and the basis for the Ecclesiastical Exemption brought into question.
7. In all applications for an Interim Faculty the petitioner (normally the incumbent, priest-in-charge or churchwarden) will need to set out their reason for applying for an Interim Faculty.

#### Preliminary Enquiries

8. In the first instance the incumbent, priest-in-charge or churchwarden should contact their Archdeacon.
9. The Archdeacon will need to ascertain the special reason for the application, and the nature of the proposed works to be done.
10. The Chancellor will want to see evidence of consultation with the Archdeacon, DAC Chair and any other relevant DAC Adviser.

11. The observations and comments of the Archdeacon and DAC Chair/Adviser should be included with the application together with any conditions they would like the Chancellor to consider attaching to an Interim Faculty, if granted.

#### The Application

12. All the relevant documentation should be emailed to the Registry with a covering email. The incumbent, priest-in-charge or churchwarden should set out clearly and provide where possible:
  1. A clear explanation of the proposed works and what will be involved
  2. The reason why the works are urgent and why an Interim Faculty is needed
  3. Any specification of the proposed works which has been received
  4. Photographs
  5. Which contractor is to be used and evidence that they have the necessary level of insurance cover
  6. The quotation for the works
  7. Confirmation that the PCC has the funds to cover the cost of the works
  8. Confirmation that the PCC is supportive of the proposals
  9. Any correspondence from the Inspecting Architect if he/she has been involved
  10. The date on which the work will be carried out if an interim faculty is granted
  11. The observations and comments of the Archdeacon and DAC Chair/Adviser
13. More information may be requested from the Petitioners by the Registrar or Chancellor.

#### The Chancellor's decision

14. The Chancellor will endeavour to consider an application for an Interim Faculty speedily in a case of emergency.
15. If granted there may be various conditions which the applicants are required to comply with as part of the Interim Faculty.
16. The Registrar will write to the applicant with the Chancellor's decision and a copy of the letter will be sent to the Archdeacon and DAC Secretary.
17. If an Interim Faculty is granted the Chancellor will direct that the petitioners need to submit as soon as possible, and in any event not later than 60 days from the grant of the Interim Faculty (this may be varied in some cases), the relevant documentation for a Confirmatory Faculty i.e. within 60 days all the documentation must be received by the Registrar so that the petition for the Confirmatory Faculty can be lodged and sent to the Chancellor for consideration. Lodging the petition means having obtained the formal advice of the DAC, a Notification of Advice issued and the petition having been received by the Registrar. Having sent the application to the DAC for their advice does not constitute lodging the petition.
18. The petitioners will be required to complete a formal undertaking to lodge the petition for Faculty within 60 days. The undertaking must be completed and emailed by return to the Registrar.
19. If the petitioners are unable to lodge the petition for a Confirmatory Faculty within the 60 days, they should provide an explanation in writing, and the Registrar will send this to the Chancellor to seek directions.
20. Unless there are exceptional circumstances there should be no delay in (1) completing and returning the undertaking; (2) lodging of the petition for the Confirmatory Faculty. The Registrar will write to the petitioner if there is a delay in either case, copying the Archdeacon and DAC Secretary.
21. When the petitioners complete Form 3A (petition) as part of their application for the Confirmatory Faculty, in response to question 16 the petitioners should explain (i) whether the work granted by the Interim Faculty has been started and/or completed; (ii) if not, when, as at the date of the petition, it is proposed to carry out the works.