**IN THE CONSISTORY COURT OF THE DIOCESE OF NORWICH**

**PRACTICE DIRECTION – FACULTIES – EXTENSION OF TIME**

1. When a Faculty is granted, a period of time is given in which the works must be completed. This is based on what the Petitioners themselves say and the Court’s own judgment of the likely timescale.
2. This part of the faculty is important because if works are not completed within the time allowed, the circumstances in which the faculty was granted may change and the relationship between the faculty and the public notice which preceded it becomes weakened. It also discourages Petitioners from seeking faculties without any clear idea of when works will be performed.
3. This approach mirrors that of the secular authorities when granting planning permission, which is also time limited.
4. It happens from time to time that the works or proposals authorised by the faculty will not have not been completed when the expiry date is reached. The Covid pandemic caused the number of these instances to increase dramatically.
5. In situations where there is good reason for works still to be outstanding when the faculty would expire the Court has the power to extend the faculty for a further period or periods provided that there has been no material change in the circumstances prevailing at the time the faculty was granted. Any material change would make a fresh faculty application (with public notice) desirable and just.
6. It is, however, vital that applications to extend the faculty are made to and decided by the Court BEFORE the faculty expires. This means that Petitioners must have applied in writing (preferably by email) to the Registry no later than 14 days before the faculty would otherwise expire.
7. If this is not done, there is a danger that any expiry of a faculty will mean that, as a matter of law, it cannot be extended – because it has already expired and ended.
8. Due to the pandemic, the Court has exercised a discretion to extend some faculties that were not opposed at the time, and which had expired before any application to extend them was made. This is an uncertain process legally, open to potential challenge and would, in any event, never be available where a faculty had originally been opposed.
9. It is now time, given the abatement of the pandemic, to return to a position where extensions of time for faculties must be obtained before the faculty expires.
10. Therefore, from October 1, 2022 the Court will no longer grant any extension of time to complete works or proposals permitted by a faculty where the faculty has already expired.
11. It should be perfectly possible to avoid this situation arising if PCC’s make sure to place a clear note in the diary as to when any current faculty expires, at the time when it is granted, preferably allowing it to be on the agenda of the PCC meeting which will be the final one before the faculty expires with a further ‘must do’ note in the diary around 21 days before the expiry date.
12. Those churches that have unusual arrangements in place regarding their management will obviously find other similar ways to ensure that they do not miss the date.
13. Exactly the same diary process should be used when an extension is granted, in case there is, exceptionally, a need for a further extension after that.
14. Where an extension has not been applied for prior to the expiry of the period authorised, a new faculty Petition will need to be presented, following the usual pre-application consultation and public notice process.
15. It is emphasised that the point of this Direction is not to tighten the application of a rule for its own sake but to avoid any legal uncertainty over whether a faculty has in fact been lawfully extended. It will therefore be applied in every case unless there are truly exceptional circumstances.

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| David Etherington QC |
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| Chancellor of the Diocese |
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| August 12, 2022. |