# Allowing external groups to use the church or church hall:

# Is a faculty needed?

**What this guidance is about**

This guidance is about allowing external groups to use buildings that are subject to the faculty jurisdiction, that is:

* most churches,
* many church halls / other buildings.[[1]](#footnote-1)

This guidance does not apply to churches or church halls that are not within the faculty jurisdiction. If you aren’t sure, consult the Registry team (see below).

**Examples**

You may want to allow an external group to hire your church or church hall for a number of reasons, with or without charging. For example:

|  |  |  |
| --- | --- | --- |
| Licences[[2]](#footnote-2) for occasional use | Licences for regular use | Leases |
| eg.   * Birthday parties * Family celebrations * One-off concerts or shows * Business meetings * Conferences * Training events | eg.   * Mother’s Union * Scouts / guides * Slimming clubs * Alcoholics / narcotics anonymous * Sports clubs * Music clubs * Regular concerts or shows | eg.   * Nursery school * Art studio or gallery * Food banks (externally run) * Co-worker spaces * Small business spaces * Regular use by another Christian church for worship / social events |

**The general rule**

Activities that are run by the church and are under the control of the PCC do not require any further permission.

However, any agreement to allow an external group to use a church or church hall for its own purposes requires a faculty. In other words, subject to the exceptions below, all of the examples given above would normally require a faculty.

**The exceptions**

The Chancellor has made a legal order dispensing with the need for a faculty in certain circumstances. A faculty is not needed if:—

For a church hall:

* There is a written agreement (a licence) with the group.
* Each user is allowed to use the church hall for no more than 48 hours in a month.

For a church:

* There is a written agreement (a licence) with the group.
* The minister[[3]](#footnote-3) is satisfied that the proposed use will not contravene Canon F 15 or Canon F 16.
* Each user is allowed to use the church hall for no more than 48 hours in a month.
* In total, permission to all external users does not exceed 120 hours in any month.[[4]](#footnote-4)

If your proposals don’t meet these criteria you will need to apply to the Chancellor for a faculty. Each case will be considered on its merits.

**Written agreements template**

To qualify for the Chancellor’s exception, permission to use the church or church hall must be a licence in the form of a written agreement. This applies equally to one-off uses and to regular uses.

In most cases the licence will be a simple agreement setting out the practical arrangements and (if applicable) the charge for the use. These are sometimes called hire agreements.

A template licence agreement is available by contacting the Registry (see below). You are strongly advised to take advice from the Registry about whether the template is suitable for your arrangement, and to allow the Registry team to see a copy of the licence before it is signed.

**Leases**

In some circumstances a licence agreement may not be suitable for the proposed use, for example if:—

* the user has exclusive use of the premises for the hire period;
* the user is entitled to use a specific room and the arrangement cannot be easily changed or cancelled;
* the arrangement is for an extended period and regular use.

In such circumstances a more formal lease agreement may be necessary. Leases need to be carefully prepared and take account of the particular circumstances of each case. If leases are not prepared properly the user may acquire unintended rights as a tenant, and could be harder to remove. Checks also need to be made in relation to:—

* restrictive covenants on the land;
* whether the consent of the DBF is required (where it holds the premises as custodian trustee);
* requirements in relation to the charitable status of the church and the involvement of the Charity Commission in certain cases;
* any implications in relation to planning law or change of use;
* any implications for how the premises are taxed;

If your proposal requires a lease, you will need:

* A professionally prepared lease. The Registry is able to help with this. A fee will be chargeable.
* A faculty. You should attach a draft of the lease to your faculty application.

**Need more help?**

The Registry team is always happy to advise about your particular circumstances. Contact:

registry@battbroadbent.co.uk Tel: 01722 432390

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Joint Registrar

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1. A church hall will usually be subject to the faculty jurisdiction if it is within the curtilage of the church. [↑](#footnote-ref-1)
2. A licence is a simple written agreement. [↑](#footnote-ref-2)
3. “Minister” means the incumbent, a team vicar (if they have been assigned a special cure of souls that includes the church in question), or the priest in charge. If there is no minister, the Area Dean must be satisfied. [↑](#footnote-ref-3)
4. A church must always be primarily used for worship. [↑](#footnote-ref-4)