
STATUTORY INSTRUMENTS

2015 No. 1568

The Faculty Jurisdiction Rules 2015

PART 11

Directions

Giving directions

11.1.—(1) In any case the court may give directions for the conduct of the proceedings.

(2) When determining what, if any, directions to give, the court must seek to give effect to the overriding objective set out in rule 1.1.

(3) Directions may be given orally or in writing and with or without a hearing.

(4) Directions may be given by the registrar to the extent the registrar is authorised to do so by the court.

(5) If the court holds a hearing for the purpose of giving directions it is the duty of the parties to attend or take part in the directions hearing, either in person or by their representatives (whether or not legally qualified).

(6) The court may request the attendance of any other person at a directions hearing.

(7) If directions are given without a hearing they must be sent by the registrar to—

- (a) the parties,
- (b) any other person or body to whom the directions relate, and
- (c) in the case of directions given by a consistory court, the archdeacon.

Matters on which directions may be given

11.2.—(1) Subject to these Rules, directions for the conduct of the proceedings may be given as the court thinks fit.

(2) In particular, directions may relate to—

- (a) any of the matters mentioned in rule 1.4(2) (active case management) and rule 18.1 (general powers of case management);
- (b) the inspection of any church, other building, article or thing under rule 20.1;
- (c) the issues on which the court requires evidence;
- (d) the nature of the evidence which it requires to decide those issues;
- (e) how any evidence is to be presented;
- (f) how parties opponent are to be represented at a hearing where there are a number of parties opponent raising the same or similar issues;
- (g) the appointment of expert witnesses (including limiting the number of experts), the exchange of experts' reports and the identification by them of the matters on which they agree and those on which they disagree;

- (h) limiting the number of witnesses to be called on behalf of any party;
- (i) the service on the parties and any other persons or bodies as the court thinks fit of any evidence, representations or advice received by the court from the Diocesan Advisory Committee, the Church Buildings Council, Historic England, any national amenity society or the local planning authority.

(3) The court may use its power under this rule to exclude evidence that would otherwise be admissible.

Time and place of hearing

11.3.—(1) Directions as to the date, time and place for any hearing of the proceedings must be given by the court.

- (2) Notice of the directions given under paragraph (1) must be served by the registrar on—
 - (a) the parties;
 - (b) in the case of a hearing in a consistory court, the archdeacon;
 - (c) the Church Buildings Council;
 - (d) the Diocesan Advisory Committee;
 - (e) any other body who has given advice to the chancellor in connection with the proceedings.

Witness statements

11.4.—(1) Where the evidence of witnesses (other than evidence to which rule 11.5 applies) is to be presented at a hearing, the court must direct that statements setting out the evidence to be given by each witness be served in advance of the hearing unless the court considers that there is a good reason not to do so.

- (2) A witness statement must be—
 - (a) verified by a statement of truth in the following form—

“I believe that the facts stated in this witness statement are true.”; and
 - (b) signed and dated by the witness.

Expert reports

11.5.—(1) No party may call an expert or put in evidence an expert’s report without the court’s permission.

- (2) Expert evidence is to be given in a written report unless the court directs otherwise.
- (3) Where the court gives permission to put in evidence an expert’s report, it must direct that any such report—
 - (a) contains a statement that the expert understands their duty is to the court, and has complied with that duty;
 - (b) is addressed to the court and not to the party from whom the expert has received instructions;
 - (c) gives details of the expert’s qualifications;
 - (d) gives details of any literature or other material which has been relied on in making the report;
 - (e) contains a statement setting out the substance of all facts and instructions which are material to the opinions expressed in the report or upon which those opinions are based;
 - (f) makes clear which of the facts stated in the report are within the expert’s own knowledge;

- (g) says who carried out any examination, measurement, test or experiment which the expert has used for the report, give the qualifications of that person, and say whether or not the test or experiment has been carried out under the expert's supervision;
 - (h) where there is a range of opinion on the matters dealt with in the report—
 - (i) summarises the range of opinions; and
 - (ii) gives reasons for the expert's own opinion;
 - (i) contains a summary of the conclusions reached; and
 - (j) if the expert is not able to give an opinion without qualification, states the qualification.
- (4) An expert's report must be—
- (a) verified by a statement of truth in the following form—

“I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete expert opinions on the matters to which they refer.”; and
 - (b) signed and dated by the expert.
- (5) The court may give such other directions with regard to expert evidence as it thinks fit having regard to the overriding objective in rule 1.1.

Inordinate delay etc. – intervention by provincial court

- 11.6.**—(1) The provincial court may give directions for the further conduct of proceedings that are pending in a consistory court if it considers that—
- (a) there has been inordinate delay in the conduct of the proceedings; or
 - (b) it is otherwise in the interests of justice.
- (2) The provincial court may give any direction which could have been given by the consistory court.
- (3) Directions under this rule may be given—
- (a) by the Dean of the Arches and Auditor sitting alone;
 - (b) on the application of any party to the proceedings or on the provincial court's own initiative.
- (4) In this rule “provincial court” means—
- (a) the Court of Arches where the proceedings are pending in the consistory court of a diocese in the province of Canterbury;
 - (b) the Chancery Court of York where the proceedings are pending in the consistory court of a diocese in the province of York.