



# Faculty Jurisdiction Measure 1964 (repealed)

1964 No. 5

*Parties and procedure in faculty cases*

**9 Archdeacon and non-resident electors to be deemed to have an interest in faculty proceedings.**

- (1) For the purposes of any proceedings for obtaining a faculty the archdeacon of the archdeaconry in which the parish concerned is situate shall be deemed to have an interest as such, and any person whose name is entered on the electoral roll of the parish concerned but who does not reside therein shall be deemed to have an interest as though he were a parishioner of that parish.
- (2) If the archdeaconry be vacant or the archdeacon be incapacitated by absence or illness from exercising or fulfilling the rights or duties conferred or imposed upon him by this Measure or is in the opinion of the bishop for any other reason unable or unwilling to act, such other person as the bishop shall appoint in that behalf in writing shall have power to act in the place of the archdeacon for the purposes of this Measure in any particular case.
- (3) If the archdeacon or such other person as may be appointed under this section intervenes in any such proceeding all costs properly incurred by him or which he shall be ordered by the court to pay shall be paid by the board of finance of the diocese in which the parish concerned is situate:  
Provided that a board shall not be liable for any sum by virtue of this section unless such intervention is approved by the board in writing and, if such approval is duly given, any order in such proceeding that the costs of the archdeacon or other appointed person be paid by any other party may be enforced by the board in the name of the archdeacon or other appointed person.

**10 Functions of archdeacons in faculty cases.**

In any proceeding for obtaining a faculty the court may:—

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Faculty Jurisdiction Measure 1964 (repealed), Cross Heading: Parties and procedure in faculty cases. (See end of Document for details)*

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- (a) decree the issue of a faculty, subject to a condition requiring the work authorised thereby or any part thereof to be carried out under the supervision of the archdeacon or of any other person nominated by the court in that behalf; and
- (b) direct that, in default of the incumbent and churchwardens carrying out the work so authorised or any part thereof, a faculty shall issue to the archdeacon authorising him to carry out the same; and
- (c) order that the costs and expenses of the archdeacon be paid by any other party to the proceeding.

## **11 Mode of enforcing orders as to costs and expenses.**

Any sum payable by virtue of an order of the court in or consequent upon any proceeding for a faculty shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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