



Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1)

1991 No. 1

PART III

ECCLESIASTICAL JURISDICTION

11 General provisions as to faculty jurisdiction

- (1) For the avoidance of doubt and without prejudice to the jurisdiction of consistory courts under any enactment or rule of law, it is hereby declared that the jurisdiction of the consistory court of a diocese applies to all parish churches in the diocese and the churchyards and articles appertaining thereto.
- (2) Except as provided by subsection (3) below, a building licensed by the bishop of a diocese after the coming into operation of this section for public worship according to the rites and ceremonies of the Church of England and all articles appertaining thereto shall be subject to the jurisdiction of the consistory court of the diocese as though the building were a consecrated church.
- (3) Where the bishop of a diocese, after consultation with the advisory committee, considers that any building in the diocese so licensed should not be subject to the faculty jurisdiction he may by order direct that subsection (2) above shall not apply to the building.
- (4) Where the bishop of a diocese, after consultation with the advisory committee, considers that any article appertaining to a building in the diocese so licensed in respect of which an order under subsection (3) above is in force should be subject to the faculty jurisdiction by reason of its being—
 - (a) of outstanding architectural, artistic, historical or archaeological value; or
 - (b) of significant monetary value; or
 - (c) at special risk of being stolen or damaged,he may by order direct that the article shall be subject to the jurisdiction of the consistory court of the diocese during such period as may be specified in the order.

Status: This is the original version (as it was originally enacted).

- (5) Any article in respect of which an order under subsection (4) above is in force shall, during the period specified in the order, be subject to the jurisdiction of the court specified in the order as though it were an article appertaining to a consecrated church.
- (6) An order under subsection (3) or (4) above may be varied or revoked by an order made by the bishop of the diocese concerned after consultation with the advisory committee.
- (7) An order under this section which has the effect of subjecting an article to the faculty jurisdiction shall not render unlawful any act done before the making of the order nor shall require the issue of faculties confirming such acts.
- (8) The chancellor of a diocese shall give written guidance to all parochial church councils, ministers and churchwardens in the diocese as to those matters within the jurisdiction of the consistory court which he for the time being considers, after consultation with the advisory committee, to be of such a minor nature that they may be undertaken without a faculty.