



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

1991 No. 1

PART III

ECCLESIASTICAL JURISDICTION

16 Parties

- (1) Proceedings for obtaining a faculty may be instituted by—
 - (a) the archdeacon of the archdeaconry in which the parish concerned is situated;
or
 - (b) the minister and churchwardens of the parish concerned; or
 - (c) any other person appearing to the court to have a sufficient interest in the matter.
- (2) For the purposes of any proceedings for obtaining a faculty the archdeacon shall be deemed to have an interest as such, and any person whose name is entered on the church 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.
- (3) If—
 - (a) the archdeaconry is vacant; or
 - (b) the archdeacon is incapacitated by absence or illness from acting; or
 - (c) in the opinion of the bishop—
 - (i) the archdeacon is for any other reason unable or unwilling to act; or
 - (ii) it would be inappropriate for the archdeacon to act,such other person as the bishop shall appoint in that behalf in writing (either generally or in a particular case) shall have power to act in the place of the archdeacon for the purposes of this Measure or of any other enactment relating to the institution of, or participation in, proceedings in the court.

Status: This is the original version (as it was originally enacted).

- (4) If the archdeacon or such other person as may be appointed under subsection (3) above institutes or intervenes in any proceedings for obtaining a faculty all costs and expenses properly incurred by him or which he is ordered by the court to pay shall be paid by the Diocesan Board of Finance for the diocese concerned:

Provided that a Diocesan Board of Finance shall not be liable for any sum by virtue of this subsection unless the institution of proceedings or intervention is approved by the bishop of the diocese concerned in writing after consultation with the Board and, if such approval is duly given, any order in the proceedings that the costs or expenses 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.

- (5) Anything done under or for the purposes of section 9 of the 1964 Measure and having effect immediately before the coming into force of this section shall continue to have effect and be deemed to have been done under or for the purposes of this section.