



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 4

FACULTY JURISDICTION

Procedure

60 Parties to faculty proceedings

- (1) Proceedings for obtaining a faculty may be brought by—
 - (a) the archdeacon of the archdeaconry in which the parish concerned is situated,
 - (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 purpose of proceedings for obtaining a faculty—
 - (a) the archdeacon is to be regarded as having an interest as such;
 - (b) a person whose name is entered on the church electoral roll of the parish concerned but who does not live in the parish is to be regarded as having an interest as if he or she were a parishioner of that parish.
- (3) Subsection (4) applies if—
 - (a) the archdeaconry is vacant,
 - (b) the archdeacon is incapacitated by absence or illness, or
 - (c) in the opinion of the bishop, the archdeacon is for any other reason unable or unwilling to act or it would be inappropriate for the archdeacon to act.
- (4) Such other person as the bishop appoints in writing (whether generally or for a particular case) may act in the place of the archdeacon for the purposes of this Measure or of any other enactment relating to the bringing of, or participation in, proceedings in court.

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Cross Heading: Procedure. (See end of Document for details)

- (5) If the archdeacon or a person appointed under subsection (4) brings or intervenes in proceedings for obtaining a faculty, the costs and expenses properly incurred by him or her or which he or she is ordered by the court to pay are to be paid by the diocesan board of finance for the diocese concerned.
- (6) But a diocesan board of finance is not liable for any sum under subsection (5) unless the bringing of or intervention in the proceedings is approved by the bishop of the diocese in writing after consultation with the diocesan board of finance.
- (7) An order in the proceedings that the costs or expenses of the archdeacon or appointed person are to be paid by another party may be enforced by the diocesan board of finance in the name of the archdeacon or appointed person.
- (8) “Diocesan board of finance” has the same meaning as in the Endowments and Glebe Measure 1976 (see section 45 of that Measure).

Commencement Information

II [S. 60](#) in force at 1.9.2018 by [S.I. 2018/720](#), [art. 2](#)

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