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STATUTORY INSTRUMENTS

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**1992 No. 2882**

**ECCLESIASTICAL LAW, ENGLAND**

**Faculty Jurisdiction Rules 1992**

*Approved by the General synod*

*Made - - - - 14th October 1992*  
*Laid before Parliament 19th November 1992*  
*Coming into force - - 1st March 1993*

In pursuance of sections 14, and 26(1) and (2) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991<sup>(1)</sup>, the Rule Committee constituted in accordance with section 25 of the said Measure makes the following Rules:—

**PART I**  
**PRELIMINARY**

**Citation, Commencement and Revocation**

1.—(1) These Rules may be cited as the Faculty Jurisdiction Rules 1992 and shall come into force on the first day of March 1993.

(2) The Faculty Jurisdiction Rules 1967<sup>(2)</sup>, the Faculty Jurisdiction (Amendment) Rules 1987<sup>(3)</sup> and the Faculty Jurisdiction (Amendment) Rules 1989<sup>(4)</sup> are hereby revoked.

**Interpretation**

2.—(1) In these Rules

“The Measure” means the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;

“The archdeacon” means the archdeacon of every archdeaconry in the diocese;

“advisory committee” in relation to a diocese or archdeaconry means the Diocesan Advisory Committee of the diocese or of the diocese in which the archdeaconry is situated, as the case may be;

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(1) 1991 No 1  
(2) SI 1967/1002  
(3) SI 1987/2266  
(4) SI 1989/1243

“article” includes any article appertaining to a building which is subject to the faculty jurisdiction by virtue of an order made under section 11(4) of the Measure.

“the chancellor” and “the registrar” mean, in relation to any proceedings, the chancellor and the registrar respectively of the diocese in which the church, churchyard or building licensed for public worship (which is for the time being subject to the faculty jurisdiction by an order made under section 6 of the Faculty Jurisdiction Measure 1964<sup>(5)</sup> or which is not excluded from the faculty jurisdiction by order under section 11(3) of the Measure) is situated, and include any person appointed to act as the deputy of the chancellor or registrar, as the case may be;

“confirmatory faculty” means a faculty which validates any act requiring a faculty (including any work to the fabric or fixtures of any church or any movables therein, or the introduction into or removal from the church or churchyard of any item, or any work affecting any churchyard) which has been done without prior authorisation by faculty;

“English Heritage” means the Historic Buildings and Monuments Commission for England;

“exhumation” means the removal from the ground of a body or cremated human remains;

“interim faculty” means any licence or order made by the chancellor in respect of any works or purposes pending the final determination by him of a petition for faculty for such works or purposes;

“minister” has the same meaning in these Rules as in the Measure;

“national amenity society” means any of the following, the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and such other body as may from time to time be designated by the Dean of the Arches and Auditor as a national amenity society for the purpose of the Measure.

(2) The Interpretation Act 1978<sup>(6)</sup> shall apply for the interpretation of these Rules as it applies for the interpretation of Measures passed by the General Synod.

## PART II

### PETITION AND CITATION

#### **Seeking Advisory Committee Advice and Lodging Petition**

3.—(1) Before lodging a petition for a faculty in the consistory court intending applicants should seek the advice of the advisory committee in respect of the proposed works or purposes for which a faculty is required (except where the action proposed relates exclusively to exhumation or the reservation of a grave space) and should submit to the advisory committee all necessary designs, plans or other documents giving particulars of the proposed works or purposes together with a summary list of the works proposed.

(2) If the advisory committee decide to recommend the works or purposes or to raise no objection to them their decision together with any provisos attached thereto shall be set out in a certificate in Form No. 1 in Appendix B and shall be sent to the intending applicants together with the designs, plans and other documents submitted to the advisory committee under rule 3.

(3) If the advisory committee decide not to recommend the works or purposes they shall inform the intending applicants by way of a certificate in Form No. 1 in Appendix B and shall advise them that they are entitled to petition for a faculty from the chancellor, if they so wish, notwithstanding the committee’s decision.

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(5) 1964 No 5  
(6) 1978 c. 30.

(4) As soon as they have received the advice of the advisory committee under paragraph (2) or (3) above the applicants may lodge at the diocesan registry a petition for a faculty in Form No 2 in Appendix B in respect of the works or purposes and

- (a) the works or purposes shall be fully and accurately stated in the petition and shall be the same as those in respect of which the advisory committee has supplied a certificate in Form No. 1 in Appendix B under paragraph (2) or (3), and
- (b) any necessary designs, plans or other documents giving particulars of the works or purposes for which the faculty is required, together with the said certificate of the advisory committee relating to those documents, shall be lodged with the petition.

(5) Notwithstanding that any of the requirements of paragraphs(1) to (4) of this Rule have not been complied with a petition may at any time be lodged at the diocesan registry and every petition shall (subject to rule 33) be in Form No 2 in Appendix B.

#### **Petition for partial demolition or demolition**

4. —A petition for a faculty for the partial demolition or demolition of a church shall include all such statements and information, so far as relevant, as are required by Form No 2 in Appendix B and shall also state which of the grounds specified in section 17 of the Measure are relied on, and shall give full particulars of those grounds and of the circumstances giving rise to the petition and of the arrangements proposed to be made to meet the situation arising from the partial demolition or demolition of the church, including arrangements for the disposal of the fittings and contents of the church, and shall give information on any other matters on which the court should be informed.

#### **General Citation**

5.—(1) As soon as a petitioner is ready to lodge a petition for a faculty the petitioner shall fill in the general citation in Form No 3 in Appendix B (except where the petitioner is not the minister or a churchwarden or where the petition relates to exhumation or reservation of a grave space) and shall describe the works or purposes in the citation in the same manner as they are described in the schedule to the petition.

(2) Notwithstanding paragraph (1) above any petitioner may, if he so wishes, consult the registrar for advice prior to completing any petition or general citation, and he should do so in respect of citation where the petition relates to a matter which is not within Appendix A.

(3) As soon as a petitioner has filled in the citation

- (a) he shall immediately lodge in the registry the petition and the documents required by rule 3(4)(b) and a copy of the completed citation;
- (b) he shall immediately display the citation in accordance with paragraph (4) below save that if he is not the minister, or a churchwarden he shall send the citation to the registrar for his directions.

(4) Subject to paragraph (3)(b) above and rule 12(4) a copy of the citation shall be displayed for a continuous period of not less than fourteen days including at least one Sunday when the church is used for worship.

- (a) in the case of a petition relating to a parish church or its churchyard—
  - (i) inside the church on a notice board or in some other prominent position, and
  - (ii) on a notice board outside that church,
- (b) in the case of a petition relating to a church or place of worship (or any churchyard belonging to it) which is not a parish church—
  - (i) on a notice board or in some other prominent position inside that church or place of worship and inside the parish church or parish churches in the parish concerned, and

(ii) on a notice board outside the church or place of worship to which the application relates and outside the parish church or parish churches in the parish concerned.

and if there is no notice board within the grounds of any building mentioned in subparagraph (a)(ii) or (b)(ii) above, the notice required to be displayed outside that building under those subparagraphs shall be displayed on the outside of or near to the principal door of that building and in some other prominent position readily visible to the public.

- (5) If on receipt of the petition and copy citation the registrar considers that
- (a) the works or purposes are not adequately described in the citation, or
  - (b) a copy of the citation should be displayed inside or outside any other church or place of worship in the parish concerned, or
  - (c) a copy of the citation should be displayed in some prominent position elsewhere in the parish concerned (whether inside or outside a building) where it will be clearly visible to the public, or
  - (d) the citation should be displayed for a longer period than is provided for in paragraph (4) of this rule

he may give such directions to the petitioners as he thinks fit.

(6) Upon the expiry of the period of general citation required under paragraph (4) or such longer period as may be directed under paragraph (5)(d) of this rule the citation or a copy thereof shall be returned to the registrar by the petitioners with the certificate of execution duly completed thereon in accordance with Form No 3 in Appendix B.

## PART III

### MATTERS WITHIN THE ARCHDEACON'S JURISDICTION

#### **Allocation to the Archdeacon**

6.—(1) Where a petition for a faculty for any of the works or purposes specified in Appendix A to these Rules (not being works falling within rule 12(3)) is unopposed and the advisory committee recommends the works or purposes in question or raises no objection to them an archdeacon may exercise the jurisdiction of the consistory court of the diocese in respect of every such cause of faculty arising in his archdeaconry to the extent provided in the said Appendix.

(2) If the registrar is satisfied that the subject matter of the petition falls within the jurisdiction conferred upon an archdeacon under paragraph (1) above he shall endorse the petition accordingly and send it to the archdeacon for his consideration.

(3) An archdeacon shall not make a final determination in any cause of faculty within his jurisdiction until he has sought the advice of the advisory committee in respect of the works or purposes the subject of the petition, provided that where the advisory committee supplied a certificate in Form No 1 under rule 3(2) above in respect of the same works or purposes not more than 12 months prior to the lodging of the petition the advisory committee may, if appropriate, confirm that they do not wish to alter the said certificate.

(4) If an archdeacon decides to grant a faculty he shall endorse the petition accordingly and shall return it to the registrar whereupon the registrar on the expiry of the period for objection specified in rule 15 and provided the petition is unopposed shall issue

- (a) the faculty in Form No 5 in Appendix B, and
- (b) a certificate in Form No 6 in Appendix B to be completed in accordance with the requirement in the faculty.

(5) If any person objects to the grant of a faculty before the archdeacon has determined the matter the registrar shall notify the archdeacon who shall immediately return the petition to the registrar and if an objection is received after the archdeacon has endorsed the petition under paragraph (4) above the archdeacon's decision shall be of no effect and the petition shall be referred to the chancellor by the registrar and be dealt with by him.

### **Referral from the Archdeacon to the Chancellor**

7.—(1) An archdeacon shall decline to exercise jurisdiction in a cause of faculty where

- (a) he is the minister of the parish to which the petition relates, or
- (b) he has been personally involved with the petitioners in relation to the subject matter of the petition or otherwise to such an extent that he deems it inappropriate to act in the matter

in which event he shall inform the registrar prior to the allocation of the petition to him, or if this is not practicable he shall as soon as possible return the petition and accompanying papers to the registrar who shall immediately endorse the petition as one to be dealt with by the chancellor.

(2) An archdeacon may for any reason decline to exercise his jurisdiction in any cause of faculty and may in respect of a petition otherwise falling within his jurisdiction, return the petition to the registrar with a request that the petition or any matter raised in it be referred to the chancellor for decision or advice.

(3) If an archdeacon becomes aware of any matter for which a faculty is required and he considers that the matter

- (a) needs to be dealt with as a matter of urgency without reference to the advisory committee for advice in accordance with section 15(2) of the Measure, or
- (b) may necessitate the issue of an injunction, the making of a restoration order or the grant of any interim faculty pending the final determination of the matter, or
- (c) gives rise to any question as to the payment of costs or expenses,

then whether or not a petition has been lodged he shall inform the registrar who shall immediately refer the matter to the chancellor to be dealt with by him and the chancellor may give such licence or other directions in respect of the said matter on such terms or conditions as he thinks fit.

### **Temporary Re-ordering**

8.—(1) On the application of a minister and the majority of the parochial church council an archdeacon may give a licence in writing in accordance with Form No 7 in Appendix B for a temporary period not exceeding 12 months for a scheme of re-ordering provided he is satisfied that

- (a) the scheme does not involve any interference with the fabric of the church and
- (b) it does not involve the fixing of any item to the fabric of the church nor the disposal of any fixture and
- (c) if the scheme involves the moving of any item, the same is to be done by suitably competent or qualified persons and such item will be safeguarded and stored in the church or in such other place as he approves, and can easily be reinstated.

(2) The archdeacon may add such other conditions to the licence as he considers necessary.

(3) A copy of any such licence shall be lodged with the registrar and with the secretary to the advisory committee.

(4) The period specified in the licence shall not be extended by the archdeacon provided that where a petition for a chancellor's faculty in respect of the scheme is lodged in the registry not later than two months before the expiry of the said period the scheme shall be deemed to be authorised until the determination of the petition by the chancellor.

(5) An archdeacon may for any reason decline to grant such a licence in which event he shall advise the minister that he may apply to the chancellor for an interim faculty authorising the scheme.

### **Referral by the Registrar to the Chancellor**

**9.**—(1) Notwithstanding anything in rule 6(1) the registrar shall refer the petition to the chancellor when he considers that

- (a) a confirmatory faculty is required, or
- (b) the proposed works or purposes raise a question of law or as to the doctrine, ritual or ceremonial of the Church of England or affect the legal rights of any person or body, or
- (c) any person or body may need to be specially cited, or
- (d) there is uncertainty whether the subject matter of the petition falls within the jurisdiction conferred on the archdeacon by rule 6(1), or
- (e) the advisory committee has not recommended the works or purposes and has so certified by paragraph 4 of Form No 1 in Appendix B, or
- (f) the petition raises matters which may justify the issue of any injunction, or
- (g) for any other reason it is desirable to refer the petition to the chancellor.

(2) Where a matter is being dealt with by the archdeacon if at any stage in the proceedings the registrar becomes aware that information supplied in the petition is incorrect, or that information has been omitted from the petition, so that the matter falls outside the jurisdiction conferred on the archdeacon under rule 6(1) he shall in writing immediately cancel the allocation of the petition to the archdeacon, give written notice thereof to the archdeacon and refer the matter to the chancellor to be dealt with by him and the archdeacon shall immediately return the petition and accompanying documents to the registrar.

(3) If any petition is referred to the chancellor pursuant to rules 7(1) or (2), or 9(1) or (2) above then, unless the chancellor orders otherwise, the matter shall proceed from the stage reached in the proceedings immediately before the petition was sent to the archdeacon under rule 6(2) as if the petition had been presented to the chancellor from the commencement of proceedings.

### **Register of Petitions**

**10.** On receipt of any petition for a faculty for which the advice of the advisory committee is required to be sought under the Measure or these Rules the registrar shall notify the secretary to the advisory committee of the details of the petition in Form No 8 in Appendix B and the secretary shall enter the details in the register of petitions maintained by him.

## **PART IV**

### **MATTERS WITHIN THE CHANCELLOR'S JURISDICTION**

#### **Matters for Chancellor**

**11.**—(1) Save as otherwise provided in these Rules all faculty matters shall be dealt with by the chancellor.

(2) Any faculty granted by the chancellor in unopposed proceedings shall (subject to rule 33) be in Form No 5 in Appendix B.

## Requirements as to Notice of Petition

12.—(1) If the chancellor directs or the law otherwise requires any person to be specially cited the registrar shall serve on him a copy of the citation.

(2) The chancellor if he thinks fit may order that notice of the citation be published in such newspapers or other publications as he directs and in such form as he directs.

(3) Without prejudice to the generality of rule 12(1), where it appears to the chancellor that the works for which a faculty is sought

- (a) involve alteration to or extension of a church, which is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990, to such an extent as is likely to affect its character as a building of special architectural or historic interest, or
- (b) affect the archaeological importance of the church or archaeological remains existing within the church or its curtilage, or
- (c) involve demolition affecting the exterior of an unlisted church in a conservation area

then, if it appears to him that any of the following bodies has not previously been notified of the works, the chancellor shall direct that English Heritage, the local planning authority and any national amenity society as he deems fit shall be specially cited.

- (a) (4) (a) In any case falling within paragraph (3) of this rule the chancellor shall direct that the general citation required by rule 5 shall be displayed in a prominent position outside the church visible to the general public for a period of 28 days;
- (b) in any case falling within paragraph (3)(a) or (3)(c) of this rule the chancellor shall direct that a notice stating the substance of the petition shall be published in a newspaper circulating in the locality within such period as the chancellor shall direct or, if no period is directed, within fourteen days of the giving of the direction.

(5) If the chancellor considers that the works or purposes proposed to be carried out in a churchyard will or may affect a grave or memorial maintained by the Commonwealth War Graves Commission he shall direct that the Commonwealth War Graves Commission be specially cited and the registrar shall pursuant to such direction serve on the said Commission a copy of the citation.

(6) Where a body has been specially cited pursuant to paragraph (3) or (5) of this rule that body shall have a period of 28 days from the date of service of special citation within which to send to the registry and the petitioners a written notice of objection containing the information required by Form No 3 in Appendix B or to send comments to the registrar in respect of the proposed works.

(7) Where the petition is for a faculty for the partial demolition or demolition of a church

- (a) the registrar shall give notice in writing to the bodies specified in section 17(4)(b) and, if relevant, to the bodies specified in section 17(5)(a) of the Measure and the bodies concerned shall have a period of 28 days from the date of the notice within which to give advice or to send to the registry and the petitioners a written notice of objection containing the information required by Form No 3 in Appendix B in respect of the proposed partial demolition or demolition.
- (b) the notice stating the substance of the petition (which is required by section 17(4)(a)(ii) of the Measure to be published by the petitioners in the London Gazette and in such other newspaper as the chancellor may direct) shall be published:
  - (i) in the case of the London Gazette not more than four weeks after the petition was lodged at the registry,
  - (ii) in the case of such other newspapers (including a newspaper circulating in the locality) within such period as the chancellor shall direct or, if no period is directed, within fourteen days of the giving of the direction.

(8) Where a petition relates exclusively to exhumation or reservation of a grave space or in any case where the chancellor gives directions in relation to general citation or amended citation then subject to paragraph (9) below the registrar shall complete the citation and give such directions for display of citation under rule 5(5)(b) to (d) as he thinks fit or as the chancellor has directed.

(9) In the case of a petition for a faculty for exhumation, the chancellor shall have the following powers that is to say:

- (a) if he is satisfied that any near relatives of the deceased person still living and any other persons who in the opinion of the chancellor it is reasonable to regard as being concerned with the matter are the petitioners or that they consent to the proposed faculty being granted, he may dispense with the issue of a citation and decree the issue of the faculty forthwith;
- (b) in any other case he may dispense with general citation and may direct that any of the persons referred to in sub-paragraph (a) above who are not the petitioners shall be specially cited.

### **Advice of Advisory Committee**

13. Save where a petition relates exclusively to exhumation or reservation of a grave space or he is satisfied that the matter is sufficiently urgent to justify the grant of a faculty without obtaining the advisory committee's advice the chancellor shall not make a final determination in any cause of faculty until he has sought the advice of the advisory committee in respect of the works or purposes the subject of the petition, provided that where the advisory committee supplied a certificate in Form No 1 under rule 3(2) in respect of the same works or purposes not more than 12 months prior to the lodging of the petition the advisory committee may, if appropriate, confirm that they do not wish to alter the said certificate.

### **Matters of Historic or Artistic Interest**

14.—(1) Where the chancellor is of the opinion that any petition for a faculty concerns or involves or might concern or involve an article or matter of historic or artistic interest he shall direct the registrar to serve on the Council for the Care of Churches notice in Form No 9 in Appendix B together with a copy of the petition and of the accompanying documents which were lodged in the diocesan registry under rule 3(4).

(2) In this rule "article" may include not only an ornament or moveable object but also a part of a building, any thing affixed to land or a building and any part of an article.

### **Objections to Petition**

15.—(1) Any interested person who wishes to object to a proposed faculty being granted shall at any time during the period of fourteen days citation required by rule 5(4) or such longer period as may be directed under rule 5(5)(d) or within seven days after the expiry of either of the said periods send to the registry and to the petitioners a written notice of objection containing the information required by Form No 3 in Appendix B and he shall thereupon be treated as a party opponent for all purposes including any order for costs which may be made by the chancellor pursuant to section 60 of the Ecclesiastical Jurisdiction Measure 1963.

(2) In this rule "interested person", in relation to a petition for a faculty, means—

- (a) any person who is resident in the ecclesiastical parish concerned and any person whose name is entered on the church electoral roll of the ecclesiastical parish concerned but who does not reside therein;
- (b) the archdeacon of the archdeaconry in which the parish concerned is situated;
- (c) the parochial church council;



- (d) the local planning authority for the area in which the church or place of worship is situated;
- (e) any national amenity society;
- (f) any other body designated by the chancellor for the purpose of the petition; and
- (g) any other person or body appearing to the chancellor to have a lawful interest in the subject matter of the petition.

(3) Where any interested person has given notice of objection, the registrar shall direct him to lodge at the registry written Particulars of Objection setting out in detail the grounds of his objection on Form No 4 in Appendix B and shall require him to serve a copy of his Particulars of Objection on the petitioners not more than twenty-one days from the date of the registrar's direction at the address for service given by the petitioners in the general citation in Form No 3 or such other address as the registrar may direct.

### **Unopposed Petition**

**16.** In a case where either no notice of objection has been given under rule 15 above or, if such notice of objection has been given, no Particulars of Objection have been lodged within the time allowed, or where the chancellor is satisfied that all the parties concerned consent to the grant of a faculty, the chancellor may, subject to the production of such evidence (if any) as he may require, and subject to the requirements of section 17 of the Measure, grant the faculty.

### **Further pleadings**

**17.—(1)** Where Particulars of Objection have been lodged at the registry the petitioners may and if ordered to do so shall not more than twenty one days after the lodging of those Particulars lodge at the registry an Answer thereto and shall serve a copy thereof on each of the parties opponent.

(2) If any party objects to any pleading of an opposing party, or to any part of any such pleading as being irrelevant or bad in law he may, not more than fourteen days after it has been sent to him, lodge at the registry a notice in writing setting out his reasons for objecting thereto and he shall at the same time serve a copy of the said notice on each of the parties opponent; and a party whose pleading is so objected to may not more than fourteen days after the lodging of the said notice lodge in the registry and serve on the opposing party an amended pleading.

(3) Where objection has been taken to any pleading (including an amended pleading) under the last foregoing paragraph and no amended pleading has been lodged in respect of that objection within the time allowed the registrar shall lay the pleading before the chancellor, who shall either appoint a day to decide as a preliminary issue the matters raised by the objection or reserve them for decision at the general hearing of the case.

### **Directions**

**18.** If any issue raised by the pleading remains outstanding after the pleadings are closed the chancellor or the registrar if authorised by the chancellor shall give such directions to the parties as he may think fit in relation to discovery of documents, the number of expert witnesses to be called on behalf of any party, the exchange of reports of expert witnesses and any other matter which he considers will facilitate the hearing of the case.

### **Time and Place of Hearing**

**19.—(1)** Where the period of twenty eight days from the time given for compliance with any directions given under rule 18 above has expired or where the case is one to which section 17(4) (d) of the Measure applies, the registrar shall lay all the documents lodged at the registry before the chancellor who shall give directions as to a time and place for the hearing of the case.

(2) In addition to notifying the parties the registrar shall send to the archdeacon and, if it has given advice the advisory committee, written notice of the time and place of the hearing.

### **Evidence**

**20.**—(1) The evidence at the hearing of any proceedings for a faculty shall be given orally save that the chancellor upon application by a party or of his own motion may by order direct;

- (a) that all or any part of the evidence may be given before an examiner appointed by him or by affidavit, and
- (b) subject to paragraphs (2) and (3) below, that a written statement may be given in evidence without the attendance of the maker of the statement.

(2) An application to submit a written statement in evidence at the hearing may be made by or on behalf of any person who is not a party to the proceedings and the chancellor may, if he thinks fit, give leave for a written statement to be admitted in evidence without the attendance of the maker of the statement provided that a copy of the written statement is lodged at the registry and that a copy is delivered by that person to the parties not less than twenty-one days before the date of the hearing.

(3) Notwithstanding anything in paragraph (1) above, the chancellor shall be entitled on receiving a copy of a written statement to require the attendance at the hearing of the maker of the statement for cross-examination by the parties, and if any party on receiving a copy of the statement applies to the chancellor for an order requiring the attendance of the maker of the statement at the hearing for cross-examination, the chancellor may make an order accordingly, and in the event of the failure of the maker of the statement to attend the hearing when required to do so under this paragraph, his written statement shall not be admitted in evidence save in exceptional circumstances with the leave of the chancellor.

### **Petition for demolition**

**21.** An application to give evidence made by a member of the Council for the Care of Churches or other person by virtue of section 17(4)(d) of the Measure shall be made to the registrar and shall

- (a) if made by a member of the Council or a person authorised by the Council, be in Form No 10 in Appendix B and be lodged at the diocesan registry not more than six weeks after the Council has received notice in writing of the petition under section 17(4)(b) of the Measure;
- (b) if made by any other persons, be in Form No 11 in Appendix B and be lodged at the registry not more than four weeks after the date of the last publication in accordance with rule 12(7) of the notice stating the substance of the petition.

### **Council for the Care of the Churches**

**22.**—(1) Where notice of a petition has been served on the Council for the Care of Churches under rule 14(1)—

- (a) a report by the Council on the matter to which the petition relates may be made and sent to the chancellor within six weeks from the date on which the Council received notice of the petition; or
- (b) an application to give evidence in the proceedings may be made by a member of the Council or a person authorised by the Council, and any such application shall be in Form No 10 in Appendix B and shall be lodged at the diocesan registry not more than six weeks after the said date.

(2) In any case not falling under rule 21 or paragraph 1 of this rule an application to give evidence may be made by a member of the Council for the Care of Churches or other person authorised by

the Council to the registrar in Form No 10 in Appendix B and be lodged at the diocesan registry not less than fourteen days before the hearing.

(3) The substance of any report made to the chancellor by the Council for the Care of Churches under paragraph (1) of this rule shall be disclosed to the parties to the proceedings not less than seven days before the date of the hearing.

### **English Heritage**

**23.** In any case where English Heritage has been specially cited pursuant to rule 12(3) or in any other case an application to give evidence may be made by English Heritage to the registrar in Form No 10 in Appendix B and be lodged at the diocesan registry not less than fourteen days before the hearing.

### **Judge's Witness**

**24.—**(1) The chancellor may of his own motion direct the summoning of a member of the advisory committee, the Council for the Care of Churches or any other person to give evidence at the hearing of any petition for a faculty, if he considers that the person summoned may be able to give relevant evidence and is willing to give it.

(2) Where any person has applied in accordance with rule 21, 22 or 23 or has been summoned under paragraph (1) to give evidence in proceedings for a faculty, the registrar shall give to the parties to the proceedings not less than seven clear days' notice in writing that the evidence is to be given and of the name and address of the proposed witness and, in the case of a witness summoned under paragraph (1) of this rule, of the nature of the evidence required of him.

(3) Evidence given by any such person as is referred to in paragraph (2) of this rule shall be subject to cross-examination by the party or parties to the proceedings and any such witness may be permitted to ask questions of the party or parties with the leave of the chancellor.

### **Disposal of Proceedings by Written Representation**

**25.—**(1) Except in any case in which the chancellor is required to hear evidence in open court under section 17(4) of the Measure, the chancellor, if he considers it expedient to do so and is satisfied that all the parties to the proceedings have agreed in writing, may order that the proceedings shall be determined upon consideration of written representations instead of by a hearing in court.

(2) Where an order has been made by the chancellor under paragraph (1) above the registrar shall give notice

- (a) that the petitioners shall lodge at the registry and serve on each of the parties opponent within twenty-one days of the direction a written statement in support of their case including the documentary or other evidence upon which they wish to rely;
- (b) that each of the parties opponent shall not more than twenty-one days after the lodging of the petitioners' statement lodge at the registry and serve on the petitioners a written statement in reply to the petitioners' statement and in support of his case including any documentary or other evidence upon which he wishes to rely;
- (c) that the petitioners may not more than fourteen days after the lodging of the statement of an opposing party lodge at the registry and serve on such opposing party a written statement in response thereto.

(3) If any party does not comply with any such direction, the chancellor may declare him to be in default and may thereafter proceed to dispose of the case without any further reference to such party.

(4) Any party against whom an order declaring him to be in default is made may at any time apply to the court to revoke that order, and the chancellor may in his discretion revoke the order on such terms as to costs or otherwise as may be just.

(5) Notwithstanding the existence of an order that the proceeding shall be dealt with by written representations, the chancellor may if he thinks fit at any stage revoke the order and direct that the proceedings shall be determined at an oral hearing and he shall thereupon give directions for the future conduct of the proceedings.

(6) If no order has been made under paragraph (5), the chancellor shall determine the proceedings upon the pleadings and the written statements and evidence submitted to him under this rule, and his decision thereon shall be as valid and binding on all parties as if it had been made after an oral hearing.

(7) The chancellor or the registrar (if so authorised by the chancellor) may give such other directions as to him appear just and convenient for the expeditions despatch of proceedings under this rule.

## PART V

### MISCELLANEOUS AND GENERAL

#### **Appointment of person to act for Archdeacon**

**26.**—(1) In making an appointment under section 16(3) of the Measure of a person to act in place of an archdeacon on the ground of incapacity, the bishop may act on such evidence of the incapacity of the archdeacon as he shall think sufficient, and a statement of the fact of his incapacity in the instrument of appointment shall be conclusive.

(2) An instrument of appointment under section 16(3) shall be in Form No 12 in Appendix B.

#### **Appointment of person to sit as clerk of the court in place of registrar**

**27.** If the chancellor by whom any proceedings for a faculty are to be heard is of opinion that by reason of the fact that the registrar has acted for any of the parties or has otherwise been personally connected with the proceedings he ought not to sit as clerk of the court at the hearing, he shall appoint another practising solicitor to sit as such clerk in place of the registrar.

#### **Service of Document**

**28.**—(1) Service of any document may be effected—

- (a) by leaving the document at the proper address of the person to be served, or
- (b) by sending it by post to that address, or
- (c) in such other manner as the chancellor or registrar may direct.

(2) For the purpose of this rule, and of the Interpretation Act 1978 in its application to this rule, the proper address of any person on whom a document is to be served under this rule shall be—

- (a) his usual or last known address, or
- (b) the business address of the solicitor (if any) who is acting for him in the proceedings.

(3) Any document required by these Rules to be lodged at the diocesan registry may be lodged by delivering the document at the registry, or by sending it by post properly addressed to the registrar at the registry.

## **General Provisions**

**29.**—(1) Where anything is required by these Rules to be done not more than a specified number of days or weeks after a specified act or event, the day on which the act or event occurred shall not be counted.

(2) The registrar or chancellor may, on an application made by the person concerned, extend the time within which anything is required to be done by these Rules, and the application may be made notwithstanding that the time has expired.

(3) The registrar or chancellor may exercise the power under paragraph (2) on an ex parte application, or may give directions for the giving of notice thereof and for a hearing.

(4) Any such application may be granted on such terms as the registrar or chancellor thinks just.

(5) The registrar or chancellor may give leave to any party to amend any pleading at any stage in the proceedings on such terms as he deems just and in the case of an amended petition he may direct such further citation as he considers necessary.

## **Non-Compliance and Setting Aside**

**30.**—(1) Non-compliance with any of these Rules shall not render any proceeding void unless the chancellor so directs, but the proceedings may be set aside, either wholly or in part, as irregular, or may be amended or otherwise dealt with in such manner and upon such terms as the chancellor thinks fit.

(2) The chancellor may amend or set aside a faculty whenever he is satisfied that it is just and expedient to do so.

## **Procedural Questions**

**31.** Where, in the exercise of the faculty jurisdiction, any procedural question or issue arises, or it is expedient that any procedural direction shall be given in order that the proceedings may expeditiously and justly be disposed of, and where no provision of these Rules appears to the chancellor to be applicable, the chancellor shall resolve such question or issue, or shall give such directions as shall appear to him to be just and convenient, and in doing so he shall be guided, so far as practicable, by the Rules of the Supreme Court for the time being in force.

## **Adjournment of hearing**

**32.** The chancellor may adjourn the hearing of any proceedings or application from time to time on such terms as he considers just.

## **Departure from Forms in Appendix B**

**33.**—(1) Where any of these Rules require a document to be in a form set out in Appendix B, and that form is not in all respects appropriate, the Rules shall be construed as requiring a form of the like character, with such variations as circumstances may require, to be used.

(2) The chancellor may direct such forms as he thinks fit to be used where a faculty is sought for exhumation or reservation of a grave space and, save where any of these Rules require a document to be in a form set out in Appendix B, in any other case in respect of any stage of the proceedings for a faculty.

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*Sheila Cameron  
John Bullimore  
+Eric Cicestr  
Kenneth Gibbons  
William Hawkes  
Joanna Ingram  
Lionel Lennox  
Julian Litten  
John Owen  
Frank Robson*

Dated this fourteenth day of October 1992

Approved by the General Synod this tenth day of November 1992

*Philip Mawer*  
Secretary General

## APPENDIX A

The Archdeacon has jurisdiction in faculty matters in respect of any of the matters set out below which affect any parish church, licensed building, consecrated chapel, curtilage of such building or churchyard (whether consecrated or not), which is within the jurisdiction of the consistory court.

### 1. WORK TO THE FABRIC

- (i) Minor structural alterations not involving demolition or partial demolition, except where in the opinion of the advisory committee they will result in a material alteration either externally or internally to the appearance of the church or affect its setting and provided that where state aid has previously been accepted or is being sought a letter from English Heritage stating that that body agrees with the specification for any works proposed to be carried out is obtained prior to the grant of a faculty;
- (ii) repairs (using matching materials) and treatment of timber against beetle or fungal activity;
- (iii) external or internal decoration or redecoration except where in the opinion of the advisory committee it will result in a material alteration either externally or internally to the appearance of the church.

### 2. WORK AFFECTING FIXTURES

#### (a) Repairs

- (i) repairs and alterations to an existing heating system;
- (ii) repairs to and redecoration of fixtures (with matching materials);
- (iii) repairs to broken or cracked quarries in clear glazed windows;
- (iv) repairs, rewiring and minor alterations to an existing electrical system;
- (v) repairs to lightning conductors;
- (vi) repairs to organs or harmoniums using matching materials;
- (vii) repairs using matching materials to bells and bell frames and replacement of parts not requiring the removal of the bells from their frames;
- (viii) repairs using matching materials to and redecoration of clocks and clock faces;
- (ix) treatment of fixtures against beetle or fungal activity.

#### (b) New Work

- (i) installation of a new heating system including laying of electrical cables, gas pipes or water mains through the churchyard (except where in the opinion of the advisory committee the installation will affect the archaeological interest of or will result in a material alteration to the appearance of the church);
- (ii) installation of a sound reinforcement system or loop system or alteration to an existing system;
- (iii) installation of a new electrical system or lighting including laying of electrical cables through the churchyard (except where in the opinion of the advisory committee the installation will affect the archaeological interest or result in a material alteration to the appearance of the church);
- (iv) installation of a wall offertory box (except where in the opinion of the advisory committee the installation will affect the archaeological interest of or will result in a material alteration to the appearance of the church);

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- (v) installation of a wall safe in a vestry (except where in the opinion of the advisory committee it will affect the archaeological importance of the church);
- (vi) installation of a lightning conductor.

**3. WORK AFFECTING MOVABLES**

- (i) Introduction of any article which may lawfully be used in the performance of divine service or the rites of the Church (other than an aumbry);
- (ii) repairs to movables (using matching materials) not including Royal Coats of Arms, unfixed hatchments, heraldic achievements, paintings, historic textiles, historic silver and base metal work;
- (iii) installation of minor items of furniture or minor fixtures in the church;
- (iv) provision of carpets and curtains;
- (v) introduction of altar frontals and falls;
- (vi) a scheme for replacement of all or a substantial number of hassocks;
- (vii) laying up of banners;
- (viii) introduction of a Book of Remembrance and a stand for it; and
- (ix) security marking of moveables.

**4. WORK AFFECTING CHURCHYARDS**

- (i) Re-surfacing of paths in the same material resulting in the same appearance;
- (ii) repairs to walls, fences, gates and lych gates where matching materials are to be used;
- (iii) introduction of a garden seat (including any memorial inscription);
- (iv) provision or replacement or repainting in a new colour scheme of a noticeboard;
- (v) placing of floodlights and the laying of associated cables in the churchyard to illuminate the church.

**APPENDIX B**

Form No 1DIOCESAN ADVISORY COMMITTEE CERTIFICATE



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Rule 3

Diocese of:

Parish of:

Church of:

I HEREBY CERTIFY that at a Meeting of the Diocesan Advisory Committee held on the            day of            19    :

1. The following works/purposes were considered:

The Committee considers that the works/purposes [will][will not] result in a material alteration to the appearance of the church or affect its setting.

2. The Committee decided to RECOMMEND the above works/purposes [SUBJECT to the following provisos:]

(1)

(2)

OR 3. The Committee has no objection to the above works/purposes [SUBJECT to the following provisos:]

(1)

(2)

OR 4. The above works/purposes were NOT RECOMMENDED for approval for the following principal reasons. You are nevertheless entitled to petition for a faculty, if you so wish, notwithstanding the Committee's decision.

(1)

(2)

Signed .....  
Secretary of the Diocesan Advisory Committee

Date .....

Form No 2

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Rule 3(5)

To the Consistory Court of the Diocese of

Parish of

Church of

We

*State in respect of each petitioner in capital letters (a) full name (b) residential address and (c) office held (e.g. churchwarden)*

Petition as follows:

1. The Petitioners seek a faculty authorising the works or purposes described in the Schedule hereto.

2. The particulars of the works or purposes are accurately shown in the designs, plans, specification or other documents accompanying this petition.

- 3.     \*(i) An \*estimate/quotation has been obtained for the works or purposes in the sum of £            from the contractor or supplier named in the answer to Question 10 below or
- \*(ii) The architect or surveyor who has been engaged in respect of the works or purposes has indicated the cost as being of the order of £           , or
- \*(iii) No \*estimate/quotation/indication of cost has been obtained for the works or purposes.

- 4.     \*(i) The Parochial Church Council will contribute to the cost of the works or purposes the sum of approximately £            which it has immediately available from the following sources;
- \*(ii) The Parochial Church Council proposes to raise any balance in the following ways or
- \*(iii) The works of purposes will be paid for privately or by way of gifts which have already been made or promised.

5. The Parochial Church Council at its meeting on            passed [\*unanimously] [without dissent] [\*by a majority of            to            among those present and voting] a resolution relating to the works or purposes. A copy of such resolution signed by the [\*Chairman] [\*Secretary] is attached to this Petition. There are            members of the Council.

6. The Diocesan Advisory Committee [\*has] [has not] been consulted in relation to the works or purposes. A certificate from the Committee [\*accompanies] [does not accompany] this petition.

\*Delete that which does not apply

## SCHEDULE OF WORKS ON PURPOSES

(Please set out clearly in numbered paragraphs what you want leave to do.)

### NOTES

1. You must set out a clear summary of the works or purposes and the petition should be accompanied by all relevant plans, specification and other documents identifying the works or purposes to be undertaken.

2. The reference number and date on the architect's or surveyor's drawing[s] and specification[s] should be included adjacent to the description of the works or purposes to which they refer. All documents lodged with the Petition will be retained in the registry after the issue of the faculty.

3. The subject and position of any window, tablet or other memorial and the wording and style of any inscription should be included.

4. Where the advice of the Diocesan Advisory Committee has been obtained the works or purposes must be the same as those described in the certificate from the Committee.

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5. Any faculty granted on this petition can only authorise works or purposes which are clearly included in the schedule.

#### QUESTIONS

Such of these questions as apply to the case are to be answered by the Petitioners. Any question that is not applicable should be marked "N/A". If the answer to any question cannot conveniently be fitted in the space provided a separate piece of paper duly identified should be used.

1. What is the approximate date of the building?
2. (a) Is the building listed as a building of historic or architectural interest under the Planning (Listed Buildings and Conservation Areas) Act 1990? YES/NO  
(b) If yes, state of what grade.
3. (a) Has any previous faculty or archdeacon's certificate, relevant to the present proposals, been sought or granted? YES/NO  
(b) If yes, give date and other details.
4. (a) Is grant aid being sought from English Heritage? YES/NO  
(b) If yes, attach copies of correspondence including copies of any application and any offer of assistance or grant.
5. (a) Has the building previously been the subject of a grant from English Heritage, or one of its predecessors? YES/NO  
(b) If yes, have the present proposals been reported to English Heritage? YES/NO  
(c) If so, state with what result. If appropriate, please send copies of any relevant correspondence showing that English Heritage agrees with the specification for the works proposed.
6. (a) If any external works to the building are proposed, has outline or detailed planning permission been sought? YES/NO  
(b) If yes, with what result? Please supply a copy of any planning permission or notice of refusal
7. (a) Is any part of the building to be demolished? YES/NO  
(b) If yes, which ground or grounds under section 17 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 are relied upon?
8. If work to a churchyard, or other land occupied with the church, is involved in the works or purposes:
  - (i) is the land in question consecrated or unconsecrated?
  - (ii) has any part of the land on which the works will take place ever been used for burials? YES/NO
  - (iii) is any part of the churchyard or other land occupied with the church still being used for burials? YES/NO
  - (iv) if the churchyard is no longer in use, has it been closed by Order in Council? YES/NO
9. (a) Who is the architect or surveyor appointed for the church in question under the Inspection of Churches Measure 1955?  
(b) Has this architect or surveyor been:
  - (i) instructed, or YES/NO
  - (ii) consulted YES/NOin relation to the proposed works?  
(c) If another architect or surveyor is to be employed:
  - (i) state his name and address
  - (ii) why is he being instructed in relation to the proposed works?
10. What are the names and addresses of the contractor, builder, electrical engineer, organ builder, artist or other person instructed to carry out the proposed works?
11. If the proposed works would affect the organ, the electrical installation or will affect the

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security of the building against fire, vandalism, theft or other risks, has the consent of the insurers of the church been sought? YES/NO

A copy of the Insurers' approval or other reply must be submitted.

12. (i) Do bats use any part of the church? YES/NO  
 (ii) If yes, do you or your architect or surveyor think that the works or purposes might harm or disturb bats or their roosts? YES/NO  
 (iii) If the answer to (ii) is yes, have you obtained advice from English Nature? YES/NO  
 (Please supply copy of letter of advice.)

- 13.(a) How soon will work start after a faculty is granted?  
 (b) After work has been started, how long will it take for the work to be completed?

14. If works inside a church are proposed  
 (a) (i) will any graves, monuments, or inscriptions be affected? YES/NO  
 (ii) if yes, how?  
 (iii) have the owners consented and on what terms?  
 (iv) if the owners have not been found, what efforts have been made to find them?  
 (b) (i) if a commemorative plaque or other memorial is proposed to be introduced into the church, what special contribution has been made by the person to be commemorated to the life of the Church, country or mankind?  
 (ii) are there any relevant circumstances as to that person's local connections or services?  
 (c) (i) will divine service be interrupted? YES/NO  
 (ii) if yes, what alternative arrangements are proposed?  
 (d) (i) are any private rights in seats likely to be affected? YES/NO  
 (ii) if yes, have the owners consented and on what terms?

- 15.(a) Is the disposal of any item of church property contemplated? YES/NO  
 (b) Has a professional valuation been obtained? YES/NO  
 (c) If yes, supply a copy.  
 (d) If not, what is the Petitioners' estimate of the value of the item?  
 (e) How do the Petitioners propose to dispose of it?  
 (f) What do the Petitioners wish to be authorised to do with any proceeds of sale?

- 16.(a) Is work to a churchyard proposed? YES/NO  
 (b) If yes, will any graves, reserved grave spaces, monuments or inscriptions be interfered with? YES/NO  
 (c) (i) how will they be dealt with?  
 (ii) to what extent do the owners consent and on what terms?  
 (iii) if the owners have not been found what efforts have been made to find them?

Note: In dealing with this question the consent of known near relatives should be sought as if they were owners.

- (d) (i) Will there be interference with a grave containing a burial made between 1914 and 1947? If so what is the name of the deceased and date of burial?  
 (ii) Will there be interference with a memorial commemorating a death between 1914 and 1947? If so what is the name of the person commemorated and date of death?  
 (iii) Does the grave in (i) or (ii) appear to be a War Grave? YES/NO  
 (iv) Does the Commonwealth War Graves Commission consent? YES/NO  
 (Please attach any letter of consent.)  
 (e) Is any such monument listed as being of historic or architectural interest under the Planning (Listed Buildings and Conservation Areas) Act 1990? YES/NO
- 17.(a) If work to a chancel is proposed, is there a Lay Rector? YES/NO  
 (b) If so, state his or her name and address.  
 (c) Has the Lay Rector been informed of the work? YES/NO  
 (d) Is he or she intending to contribute to the cost? YES/NO

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- 18.(a) Is there any further information which the Petitioners would like the Court to take into account? YES/NO
- (b) If yes, please set out in an accompanying statement or letter.

The statements in this Petition and the answers to the questions above are true to the best of the knowledge and belief of each one of us.

Date ..... 19 .....

.....

.....

(Signature of Petitioners)

Form No 3 GENERAL CITATION AND NOTICE OF OBJECTION

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Rules 5(1), 5(6) and 12(6)

Diocese of

Parish of

Church of

Petitioner(s)

(names and addresses and any office held e.g. churchwardens)

1

2

3

TAKE NOTICE that we the above named petitioners are making an application to the consistory court of the diocese for a faculty to give us authority and permission to carry out the following works or purposes:

**SCHEDULE OF WORKS AND PURPOSES**

(here describe the works or purposes as they appear in the Schedule to the petition)

(Note: Copies of the relevant plans, specifications and other documents, relating to the works or purposes, may be examined at (address) between (times) or by arrangement with (specify).)

IF ANY PARISHIONER or person whose name is entered on the church electoral roll of the ecclesiastical parish or other person having a lawful interest in the proposed works or purposes, wishes to object to them he should deliver to the Diocesan Registrar at (address of the Diocesan Registry) AND ALSO to the Petitioner(s) at the following address namely a written notice of objection, using the form of words below, so as to reach the Registrar NOT LATER than (date) (Note: Petitioners to insert date 21 days after this citation is first affixed)

TAKE NOTE that if no valid notice of objection has been given to the Diocesan Registrar within the period set out above, a faculty may be granted for these works or purposes or otherwise as the consistory court of the diocese thinks fit.

Dated this        day of        199 .        (        Signature of Petitioners)

**NOTICE OF OBJECTION**

Parish of

I, (name in capital letters) of (address in capital letters) wish to object to the grant of a faculty authorising and permitting the proposed works or purposes. I have an interest in the subject matter of the petition as:

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(Note to Objector: copy and use whichever of the following applies to you)

- a parishioner of the parish;
- a person whose name is entered on the electoral roll of the parish;
- an officer of the local planning authority in whose area the church or place of worship lies;
- an officer of a statutory amenity society, namely the \_\_\_\_\_ Society;
- a \_\_\_\_\_ (state any other interest not in preceding examples).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 199 . \_\_\_\_\_ (..... Signature)

To: the Diocesan Registrar at:-

To: the Petitioner(s) at:- \_\_\_\_\_ (use address given in citation above)  
(Note: on receipt of your note of objection, the Diocesan Registrar will send you a form upon which you will be required to give full particulars of the grounds of your objection, which will have to be sent to the Registry, and a further copy to the Petitioners).

**DIRECTIONS TO PETITIONERS**

If you are NOT a minister, churchwarden or member of the PCC you must send the citation to the Diocesan Registrar. If you are one of the above you must affix a copy of this citation for a continuous period of not less than 14 days in each of the following places:

*In the case of works or purposes affecting a parish church:*

- (1) inside the church on a noticeboard or in some other prominent position and
- (2) on a noticeboard outside but within the grounds of the church, or, if there is no such noticeboard, then on or near the outside of the principal door of the church.

*In the case of works or purposes affecting a church or place of worship which is not a parish church:*

- (1) on a noticeboard or in some other prominent position inside the church or place of worship and inside EACH parish church in the parish concerned and
- (2) on a noticeboard outside but within the grounds of the church or place of worship and EACH parish church in the parish concerned, or, if there is no such notice board, then on or near the outside of the principal door of the church or place of worship affected by the works or purposes and EACH parish church in the parish concerned.

**CERTIFICATE OF EXECUTION**

To be returned to the Diocesan Registrar:  
I, the undersigned, one of the Petitioners, hereby certify that a copy of this citation was affixed during the period from \_\_\_\_\_ to \_\_\_\_\_ inclusive.

- (1) On a notice board (on a \_\_\_\_\_ ) inside the parish church(es) of (name) (and of the church or place of worship known as \_\_\_\_\_ );
- (2) outside the parish church(es) on a notice board (on the principal door) (and outside the above-named church or place of worship on a notice board (on the principal door)).
- (3) on the notice board (on a \_\_\_\_\_ ) elsewhere in the parish, namely at \_\_\_\_\_

Dated \_\_\_\_\_ day of \_\_\_\_\_ 199  
(Signature of Petitioner) .....

- 1. Note: the certificate of execution must be completed in full by making appropriate entries in the blank spaces and deleting inappropriate words.
- 2. Complete (3) only where citation elsewhere in the parish had been directed.

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Form No 4 PARTICULARS OF OBJECTION TO PETITION FOR FACULTY



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 15(3)

To the Registrar of the Diocese of

Parish of

Church of

In the matter of a petition requesting a faculty for

state generally works or purposes

I have previously given notice of objection. By objection relates to the whole (part) of the proposed works or purposes. [The part(s) of the proposed works or purposes to which I object are:

Delete whichever is inapplicable

(A)

(B)

.]

The grounds for my objection are:

(Here set out concisely the points which you rely upon in support of your objection.)

(1)

(2)

(3)

(If necessary continue with numbered paragraphs on a separate sheet.)

Dated this                    day of                    19

Signature of objector (or counsel or solicitor)

Full name: .....

Address: .....

**DIRECTIONS**

1. This form must be completed and returned to the Registrar at                    if you wish to continue to be treated as an objector.
2. If you do not return the form within 21 days from the date of this direction it will be assumed you no longer wish to object and you will have to apply to the Consistory Court for leave to continue with your objection out of time.
3. You must deliver or send a copy of these Particulars of Objection to the Petitioners not later than 21 days from the date of this direction.

Dated this ..... day of ..... 19

Signature of Registrar

I certify that I have sent a copy of these Particulars of Objection to the Petitioners today.

(Signature of objector or solicitor)

Dated this ..... day of .....25..... 19

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Form No 5 FACULTY IN UNOPPOSED PROCEEDINGS

Rules 6(4) and 11(2)

IN THE CONSISTORY COURT OF THE DIOCESE OF .....

The Venerable .....

Archdeacon of .....

OR A.B. Chancellor of the diocese and Official Principal of the Right Reverend .....

Lord Bishop of .....

To C.D. and E.F. State names and descriptions of petitioners

Whereas a petition presented by you has been lodged in the registry of this Court together with all necessary designs, plans or other documents, requesting a Faculty to issue authorising the works or purposes specified in the said petition and documents and described in the Schedule hereto.

And whereas a citation was duly displayed giving an opportunity to all persons interested to show cause why a Faculty should not issue, and no objections have been taken to the granting of a Faculty.

Now this Court hereby grants a Faculty authorising you to carry out the said works or purposes in accordance with the said designs, plans or other documents and subject to the conditions set out in the Schedule hereto.

Provided that the said works should be completed within months from the date hereof or such further period as this Court may allow and the certificate of completion shall be sent to the registry within the period allowed.

In witness whereof the seal of this Court is affixed to this Faculty.

Dated this day of 19

Signature of Registrar

SCHEDULE

Description of Works or Purposes and any conditions attached to the Faculty

Form No 6 Certificate of Completion of Works Authorised by Faculty

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Rule 6(4)(b)

Parish of

Church of

We, A.B. of and C.D. of

hereby certify that the works (brief description) authorised by the faculty dated the day of 19 have been carried out in accordance with the said faculty.

[the work was carried out under the supervision of ]

Dated this day of 19

Signature of petitioner or person (if any)  
directed to supervise the works.

Form No 7

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(Rule 8)

In the Consistory Court of the Diocese of

The Venerable  
Archdeacon of

Parish of

Church of

To the Reverend

Whereas you have requested permission to carry out temporary minor re-ordering, and have satisfied me that you have the support of a majority of the parochial church council and that it is expedient to grant your request.

I HEREBY give you my LICENCE

- (a) for the following works or purposes,
- (b) for the period expiring on the date given below (which cannot exceed 12 months from the date of this licence)
- (c) subject to the conditions set out overleaf (including conditions as to how the re-ordering is to be carried out and the safeguarding and storing of any item moved as a result of the reordering).

*WORKS OR PURPOSES*

*DAY OF EXPIRY OF LICENCE*

day of 19

NOTES

- (a) If you desire to extend the above period, with or without changes, you should NOT LATER than two months before the expiry of the above period consult the DAC and lodge with the diocesan registrar a petition for a faculty describing fully the works or purposes including any changes, AND ALSO PROCEED TO GENERAL CITATION in accordance with Rule 5 of the Faculty Jurisdiction Rules 1992.
- (b) If such a petition is lodged then the period of authorisation given by this licence set out above will continue in force until determination of your petition.
- (c) If no such petition is lodged, you must immediately after expiry of the period set out above, cause the position as it existed before the grant of the licence to be restored.

*CONDITIONS TO BE COMPLIED WITH ON CARRYING OUT OF WORKS OR PURPOSES*

Signed .....

Date .....

Copy to Diocesan Registrar  
Secretary of D.A.C.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form No 8 Notice by Registrar to Secretary of Diocesan Advisory Committee for Register of Petitions

Rule 10

Diocese of .....

To the secretary of the Diocesan Advisory Committee

I hereby notify you that a petition for a faculty requiring the advice of the advisory committee was lodged in the Registry on the (date) .....

Details of the petition are as follows:-

1. *Name of Petitioners* (and office held)

(1)

(2)

(3)

2. *Parish of* .....

3. *Church of* .....

4. *Description of Works or Purposes in Schedule to Petition is annexed or as follows*

Signed .....  
Registrar of the Diocese

Date .....

Form No 9 Notice by registrar to the Council for the Care of Churches on matters which may be of historic or artistic interest.

Rule 14

To the Secretary of the Council for the Care of Churches

Diocese of

Church of

Whereas on the ..... day of ..... 19 ..... there was lodged in the registry a petition which affects an article or matter in the above church which in the chancellor's opinion may be of historic or artistic interest, I hereby request the Council for the Care of Churches to advise the chancellor in the matter.

Description of the subject or matter concerned.

I enclose herewith a copy of the petition and of the accompanying documents (including the petitioners' reasons for the proposal and a good set of photographs and/or plans).

I enclose herewith a copy of the certificate of the Diocesan Advisory Committee.

Date:

Signature of Registrar

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Form No 10 Application to give evidence by Member of Council for Care of Churches or Person authorised by Council or by English Heritage

Rules 21, 22 and 23

Diocese of

I, \_\_\_\_\_ of \_\_\_\_\_, hereby apply to give evidence to open court in the proceedings for a faculty to \_\_\_\_\_ in the parish of \_\_\_\_\_

I am [a member of] [a person] duly authorised by [the Council for the Care of Churches] [English Heritage] to give evidence in the said proceedings. A copy of my authority is annexed hereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

.....  
Signature of Applicant

Form No 11 Application by person other than Member of or Person Authorised by Council for the Care of Churches to give Evidence under Section 17(4)(d)(ii)

Rule 21

Diocese of

I, \_\_\_\_\_ of \_\_\_\_\_, hereby apply under section 17(4)(d)(ii) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 to give evidence in open court in the proceedings for a faculty to demolish [a part of] the church of \_\_\_\_\_ in the parish of \_\_\_\_\_

I am interested in the said proceedings because:-

- 1. Here state the reason e.g. that the applicant is a parishioner, but the reason need not necessarily disclose an interest in the legal sense.

I wish to give evidence in relation to the following matter(s):-

- 2. State in headings the matters on which the applicant proposes to give evidence.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 199\_\_

Signature of applicant

Form No 12 Instrument of Appointment under Section 16(3) of Person to Act for Archdeacon

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 26

To \_\_\_\_\_ of \_\_\_\_\_

I, A \_\_\_\_\_ Bishop of \_\_\_\_\_  
in pursuance of section 16(3) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991  
hereby appoint you to act in the place of the archdeacon of \_\_\_\_\_ [the archdeaconry being  
vacant] [the archdeacon being incapacitated] [the archdeacon being in my opinion unable or  
unwilling to act] [it being inappropriate in my opinion for the archdeacon to act] in the matter of \_\_\_\_\_

Here specify the  
case on which the  
person appointed  
is required to act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signature of Bishop \_\_\_\_\_

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### EXPLANATORY NOTE

(The note is not part of the Rules)

These Rules are made under section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. Rules 3 to 5 concern the preliminary procedural matters relating to petitions for the grant of a faculty, in particular the obtaining of the advice of the diocesan advisory committee, the subsequent lodging of a petition in the diocesan registry and the procedure relating to the display of notices concerning the works proposed. Rules 6 to 10 deal with matters which fall within the jurisdiction of the archdeacon under section 14 of the 1991 Measure. They concern the procedure by which a petition for a faculty is determined by the archdeacon, the procedures when an archdeacon declines to exercise such jurisdiction and other circumstances when the registrar considers that a petition should be referred to the chancellor. These rules also set out the procedures when a temporary reordering of a church is proposed and for the register of petitions required by section 15(3) of the 1991 Measure.

Rules 11 to 25 deal with matters which fall within the jurisdiction of the chancellor. In particular they concern the procedure for particular bodies to be specially cited in relation to faculties in certain cases and deal with objections to faculties, the hearing of cases, the giving of evidence, the summoning of witnesses and the disposal of proceedings by written representations.

Rules 26 to 33 contain miscellaneous and general provisions.

Appendix A lists the specific faculty matters in respect of which the archdeacon has jurisdiction. Appendix B contains the forms and notices specified in the Rules.