
STATUTORY INSTRUMENTS

2000 No. 2047

The Faculty Jurisdiction Rules 2000

PART III

MATTERS WITHIN THE ARCHDEACON'S JURISDICTION

Allocation to the Archdeacon

7.—(1) Where a petition for a faculty for any of the works or other proposals specified in Appendix A to these Rules (not being works falling within rule 13(3)) is unopposed and the advisory committee recommends the works or proposals in question or raises no objection to them, the archdeacon may exercise the jurisdiction of the consistory court of the diocese in respect of every petition for faculty arising in that archdeaconry to the extent provided in that Appendix.

(2) Subject to rule 8, if the registrar is satisfied that the subject matter of the petition falls within the jurisdiction conferred upon an archdeacon under paragraph (1) of this rule the registrar shall endorse the petition accordingly and send it to the archdeacon for consideration.

(3) An archdeacon with jurisdiction under paragraph (1) shall not make a final determination in relation to any petition for faculty without first seeking the advice of the advisory committee in respect of the works or proposals the subject of the petition, provided that where the advisory committee supplied a certificate in Form No. 1 under rule 3(5) above in respect of the same works or proposals not more than 12 months prior to the submitting of the petition the advisory committee may, if appropriate, confirm that they do not wish to alter that certificate.

(4) Having decided to grant a faculty the archdeacon 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 16 and provided the petition is unopposed shall issue—

- (a) the faculty in Form No. 5 in Appendix C, and
- (b) a certificate in Form No. 6 in Appendix C 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 the chancellor.

Referral from the Archdeacon to the Chancellor

8.—(1) An archdeacon who—

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

shall decline to exercise jurisdiction in relation to the petition for a faculty and shall so inform the registrar prior to the allocation of the petition, or if this is not practicable 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 in advance to exercise jurisdiction in relation to any petition for faculty within Appendix A and may after referral of a petition falling within the archdeacon's 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 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 submitted the archdeacon shall inform the registrar who shall immediately refer the matter to the chancellor who may give such licence or other directions in respect of the matter on such terms or conditions as are appropriate in the circumstances of the case.

Temporary Re-ordering

9.—(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 C for a temporary period not exceeding 15 months for a scheme of minor re-ordering provided the archdeacon 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 is approved by the archdeacon, and can easily be reinstated.

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

(3) A copy of any such licence shall be submitted to the registrar and 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 submitted to the registry not later than two months before the expiry of the 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 the archdeacon shall advise the minister to apply to the chancellor for an interim faculty authorising the scheme.

Referral by the Registrar to the Chancellor

10.—(1) Notwithstanding anything in rule 7(1) the registrar shall refer the petition to the chancellor when it appears that—

- (a) a confirmatory faculty is required, or

- (b) the proposed works or proposals 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 notified, or
- (d) there is uncertainty whether the subject matter of the petition falls within the jurisdiction conferred on the archdeacon by rule 7(1), or
- (e) the advisory committee has not recommended the works or proposals and has so certified by paragraph 4 of Form No. 1 in Appendix C, 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 7(1) the registrar 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, 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 8(1) or (2), or 10(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 7(2) as if the petition had been presented to the chancellor from the commencement of the proceedings.

Register of Petitions

11. 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 C and the secretary shall enter the details in the register of petitions maintained on behalf of the advisory committee.