STATUTORY INSTRUMENTS

2000 No. 2048

The Faculty Jurisdiction (Care of Places of Worship) Rules 2000

PART IV

MATTERS WITHIN THE CHANCELLOR'S JURISDICTION

Requirements as to Notice of Petition

13.—(1) If the chancellor directs or the law otherwise requires any person to be specially notified the registrar shall serve on him a copy of the public notice.

(2) The chancellor may order that relevant details from the public notice be published in such newspapers or other publication and within such period of time as the chancellor directs.

(3) Subject to the generality of rule 13(1), where is appears to the chancellor on preliminary consideration of the petition that the works for which a faculty is sought.

(a) involve alteration to or extension of a building listed under the Act to such an extent as is likely to affect its character as a building of special architectural or historic interest, or

(b) are likely to affect the archaeological importance of the building or archaeological remains existing within the building, or

(c) involve demolition affecting the exterior of a building (which is not listed under the Act) in a conservation area

then, unless it appears to the chancellor from the available information that each of the following bodies has previously been consulted about those works and has indicated that it has no objection or comment to make the chancellor shall direct that English Heritage, the local planning authority and such of the national amenity societies as appears to be likely to have an interest in the building or the works shall be specially notified in accordance with the criteria applicable to consultation set out in paragraphs 2, 3 or 4 of Appendix B as appropriate.

(4) In any case falling within

(a) paragrah (3)(a) of this rule which affects a building listed under the Act as grade I or grade II* or the exterior of a building listed under the Act as grade II, or

(b) paragraph 3(c) of this rule,

the chancellor shall direct that a notice stating the substance of the petition and giving a date by which any objection is to reach the registrar shall be published by the petitioner in a newspaper circulating in the locality and publication shall take place within 14 days of the giving of the direction, or within such other period as the chancellor may direct.

(5) If the chancellor considers that the works or proposals will or may affect a grave or memorial maintained by the Commonwealth War Graves Commission the chancellor shall direct that the Commonwealth War Graves Commission be specially notified and the registrar shall pursuant to such direction serve on the said Commission a copy of the public notice.

(6) Where a body has been specially notified 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 notice within which to send

to the registry and the petitioner a written notice of objection containing the information required by Form No 4 in Appendix C 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 building and falls within section 17(2) or (3)(a) of the 1991 Measure:

(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 1991 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 petitioner a written notice of objection containing the information required by Form No 4 in Appendix C 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 1991 Measure to be published by the petitioner 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 28 days after the petition was submitted to 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 14 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 a public notice or an amended public notice then subject to paragraph (9) below the registrar shall complete the public notice and give such directions for display of the public notice as the registrar considers appropriate 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 the chancellor 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 petitioner or that they consent to the proposed faculty being granted, then the chancellor may dispense with the issue of a public notice and decree the issue of the faculty immediately;

(b) in any other case the chancellor may dispense with public notice and may direct that any of the persons referred to in sub-paragraph (a) above who are not the petitioner shall be specially notified.

(10) In any case where the chancellor is satisfied that a matter is an emergency that involves interests of safety or health, or the preservation of a building or part of it, and is of sufficient urgency to justify the grant of a faculty without obtaining the advice of the advisory committee, the chancellor

(a) may dispense with the display of a notice under rule 7, and

(b) having regard to all the circumstances may direct that a short period of notice be given to the persons or bodies identified in the directions,

and thereafter the chancellor may order the issue of a faculty immediately.