
STATUTORY INSTRUMENTS

2000 No. 2048

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

PART II

PETITION AND PUBLIC NOTICE

Petitioner

3. The persons who may institute proceedings for a faculty in relation to a building shall include:
- (a) any person or body who may make an application for inclusion of the building in the list under the Measure;
 - (b) any other person appearing to the chancellor to have a sufficient interest in the matter.

Seeking Advisory Committee Advice

4.—(1) Before submitting a petition for a faculty in the consistory court an intending applicant should seek the advice of the advisory committee in respect of the works or other proposals for which a faculty is required (except where the action proposed relates exclusively to exhumation or the reservation of a grave space).

(2) An intending applicant should submit to the advisory committee designs, plans, photographs and other documents giving particulars of the works or other proposals together with a summary list of the works or proposals.

(3) Where significant changes to a building listed under the Act are proposed the intending applicant should

- (a) provide the advisory committee (in addition to the particulars required by paragraph (2) of this rule) with a Statement of Significance and a Statement of Needs, and
- (b) if the works fall within paragraph 1 of Appendix B consult English Heritage, such of the national amenity societies as appears likely to have an interest in the building or the works, and the local planning authority in accordance with Appendix B.

(4) If the advisory committee decides to recommend the works or proposals or to raise no objection to them its decision together with any provisos shall be set out in a certificate in Form No 1 in Appendix C and shall be sent to the intending applicant together with the designs, plans, photographs and other documents which were submitted to the advisory committee under paragraph (2) of this rule and are the subject of the certificate.

(5) If the advisory committee decides not to recommend the works or proposals it shall inform the intending applicant by way of a certificate in Form No 1 in Appendix C 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.

(6) When the advisory committee issues a certificate under paragraph (4) or (5) the certificate may include a recommendation to the intending applicant that they should consult English Heritage, or the local planning authority, or one or more of the national amenity societies, or the Council for the Care of Churches or any other body or person about some or all of the works or other proposals

for which a certificate is sought if they have not already done so, and the advisory committee shall consider including such a recommendation in any case where it appears to the committee that the works

- (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) in the case of a building in a conservation area (but not listed under the Act), will involve demolition affecting the exterior of the building.

Submission of Petition

5.—(1) As soon as they have received the advice of the advisory committee under paragraph (4) or (5) of rule 4 the applicant may submit to the diocesan registry a petition for a faculty in Form No 2 in Appendix C in respect of the works or other proposals and

- (a) the works or other proposals 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 C under paragraphs (4) or (5) of rule 4, and
- (b) any designs, plans, photographs and other documents giving particulars of the works or proposals for which the faculty is required, together with the certificate of the advisory committee relating to those documents, shall be submitted with the petition.

(2) Notwithstanding that any of the requirements of rule 4 have not been complied with a petition may at any time be submitted to the diocesan registry and every petition shall (subject to rule 36) be in Form No 2 in Appendix C.

Petition for Partial Demolition or Demolition

6. A petition for a faculty for the partial demolition or demolition of a building shall include all such statements and information, so far as relevant, as are required by Form No 2 in Appendix C.

Public Notice of Petition for a Faculty

7.—(1) As soon as a petitioner is ready to submit a petition for a faculty the petitioner shall fill in the public notice in Form No 3 in Appendix C and shall describe the works or proposals in the public notice in the same manner as they are described in the schedule to this petition.

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

- (3) As soon as a petitioner has filled in the public notice he shall immediately
 - (a) send or deliver to the registry the petition and the documents required by rule 5(1)(b);
 - (b) send the public notice to the registrar, and the registrar may give such directions to the petitioner regarding display of the public notice as are appropriate in the circumstances of the case and the public notice shall be displayed in accordance with those directions;
 - (c) send a copy of the public notice to English Heritage or other grant making body in accordance with the terms of any previous grant.
- (4) If on receipt of the petition and public notice the registrar considers that
 - (a) the works or proposals are not adequately described in the public notice, or
 - (b) the public notice should be displayed in a place or places other than or in addition to those specified in paragraph (5), or

(c) the public notice should be displayed for a period longer than 28 days then the registrar may give such directions to the petitioner as are appropriate in the circumstances of the case.

(5) Subject to directions under paragraph (3)(b) or (4) of this rule and to rule 13(10):

(a) a copy of the public notice shall be displayed for a continuous period of not less than 28 days in accordance with this paragraph;

(b) display of the notice shall take place:

(i) inside the building on a notice board or in some other prominent position, and

(ii) on a notice board outside the building or in some other prominent position (whether on the outside of the building or elsewhere) so that it is readily visible to the public.

(6) Upon the expiry of the period of 28 days required under paragraph (5) or such longer period as may be directed by the registrar under paragraph 4(c) of this rule the public notice or a copy thereof shall be returned to the registrar by the petitioner with the certificate of publication duly completed in accordance with Form No 3 in Appendix C.