
STATUTORY INSTRUMENTS

2013 No. 1916

The Faculty Jurisdiction Rules 2013

PART 2

Application and interpretation of the Rules

Interpretation

2.2.—(1) In these Rules—

“the archdeacon” means the archdeacon of the archdeaconry in which the church, churchyard or other building or place to which the proceedings relate is situated or, where an instrument made under section 9(1) of the Church of England (Miscellaneous Provisions) Measure 1983(1) is in force, the person appointed to perform the functions of the archdeacon to which these Rules relate;

“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” means the chancellor (or, in the case of the diocese of Canterbury, the Commissary General) of the diocese in which the church, churchyard or other building or place to which the proceedings relate is situated and includes any person appointed to act as deputy chancellor;

“church” includes—

- (a) any building which is licensed for public worship according to the rites and ceremonies of the Church of England and is subject to the faculty jurisdiction, and
- (b) the curtilage of a church unless the contrary intention appears;

“churchyard” includes a consecrated burial ground not adjacent to the church;

“confirmatory faculty” means a faculty which validates any act requiring a faculty which has been done without prior authorisation by faculty;

“costs” includes costs and expenses which a person may be ordered to pay under section 13(1) of the Measure;

“the court” means the consistory court of the diocese (or, in the case of the diocese of Canterbury, the Commissary Court)

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

“exhumation” includes the removal of a body (or part of a body) or of cremated human remains from a catacomb, mausoleum, vault or columbarium;

“injunction” means an injunction issued under section 13(4) of the Measure;

“interim faculty” means a faculty issued under Part 14;

“interim injunction” means an injunction issued under rule 15.6;

“listed building” has the same meaning as it has in the Planning (Listed Buildings and Conservation Areas) Act 1990⁽²⁾;

“listed church” means a church which is a listed building;

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

“minister”, in relation to a parish, has the same meaning as in the Measure;

“national amenity society” has the same meaning as in the Measure;

“the registrar” means the registrar of the diocese in which the church, churchyard or other building or place to which the proceedings relate is situated and includes any person appointed to act as deputy registrar;

“the registry” means the diocesan registry of the diocese in which the church, churchyard or other building or place to which the proceedings relate is situated;

“the relevant person or body” means, in relation to a building which is included in the list maintained by the Church Buildings Council under section 1(1) of the Care of Places of Worship Measure 1999⁽³⁾, the person or body entitled to make an application in respect of the building by virtue of paragraph 1 of Schedule 1 to that Measure;

“restoration order” means an order made under section 13(5) of the Measure.

(2) These Rules apply to proceedings in the Commissary Court of Canterbury as they apply to proceedings in a consistory court.

(3) A reference in these Rules to a numbered form is a reference to the form bearing that number in Schedule 3.

(4) A reference in these Rules to a building included in the list maintained by the Church Buildings Council under section 1(1) of the Care of Places of Worship Measure 1999 includes—

(a) any curtilage, monument, object or structure included in the list under section 1(4) of that Measure; and

(b) any object or structure fixed to the building.

(5) For the purposes of these Rules, faculty proceedings are opposed only if there is a party opponent to the proceedings and references to a petition or to proceedings being opposed or unopposed are to be construed accordingly.

(2) 1990 c. 9.

(3) 1999 No. 2. A relevant amendment was made by section 62(4) of the Dioceses, Pastoral and Mission Measure 2007 (2007 No. 1).