
STATUTORY INSTRUMENTS

2013 No. 1916

The Faculty Jurisdiction Rules 2013

PART 3

Seeking advice prior to commencement of proceedings

Giving of Diocesan Advisory Committee's advice

3.6.—(1) In the case of works or other proposals in respect of which a faculty is to be sought, the Diocesan Advisory Committee's advice must be given in a notification of advice in Form 2.

(2) The notification of advice must state whether the Diocesan Advisory Committee—

- (a) recommends the works or proposals for approval by the court;
- (b) does not recommend the works or proposals for approval by the court; or
- (c) does not object to the works or proposals being approved by the court.

(3) If the notification of advice recommends the works or proposals for approval by the court it must include a statement that the advice does not constitute authority for carrying out the works or other proposals and that a faculty is required.

(4) If the notification of advice does not recommend the works or proposals for approval by the court it must include—

- (a) the Committee's principal reasons for giving that advice; and
- (b) a statement that despite the Committee's advice, the intending applicants may, if they wish, petition the court for a faculty authorising the works or other proposals.

(5) If the notification of advice does not object to the works or proposals being approved by the court—

- (a) the Committee must consider whether to include its principal reasons for giving that advice; and
- (b) the notification of advice must include a statement that the advice does not constitute authority for carrying out the works or other proposals and that a faculty is required.

(6) A notification of advice may include a recommendation that the intending applicants should consult any of the following about all or some of the works or other proposals on which the advice of the Diocesan Advisory Committee has been sought—

- (a) English Heritage;
- (b) the local planning authority;
- (c) one or more of the national amenity societies;
- (d) the Church Buildings Council;
- (e) any other body or person.

(7) The Committee must include a recommendation that the intending applicants consult a body mentioned in paragraph (6)(a) to (c) if it appears to the Committee that its advice relates to works in

respect of which Schedule 1 provides for that body to be consulted and that the relevant consultation has not already taken place.

(8) The Committee must include a recommendation that the intending applicants consult the Church Buildings Council if it appears to the Committee that its advice relates to a proposal to which rule 8.6 applies (proposals affecting articles of particular historic, architectural, archaeological or artistic interest) and the Council has not already been consulted.

(9) In the case of works or other proposals in respect of which an injunction or restoration order is to be sought—

- (a) the Committee's advice must be given in the form of a report or letter; and
- (b) paragraphs (6) to (8) are to apply to that report or letter as they apply to a notification of advice given under paragraph (1).